A NEW PERSPECTIVE



WOMEN IN ISLAM

A DIALOGUE WITH AN ISLAMIC SCHOLAR
SAYED MOUSTAFA AL-QAZWINI

BY:
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A New Perspective Women in Islam

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:Published in print

Islamic Education Center

:Digital Publisher

Ghaemiyeh center of computerized researches

Contents

A New Perspective Women in Islam

BOOK ID

Author(s): Fatma Saleh Sayyid Moustafa Al-Qazwini

Publisher(s): The Islamic Educational Center of Orange County

Category: Women

Topic Tags: Women Rights Islam Laws

Featured Category: New to Islam Introducing Islam Muslim Practices

point

A New Perspective" is a dialogue between an Islamic scholar and a Muslim woman." The book discusses and expounds various issues regarding the rights and laws that pertain to women in Islam, and unwraps some of the distorted images and misconceptions that surround Muslim women.

Presentation

A New Perspective – Women in Islam" is a dialogue between a Muslim woman and a" Muslim Scholar. The book discusses and expounds upon various issues regarding the rights and governing laws that pertain to women in Islam and unwraps some of the distorted images and misconceptions that surround Muslim women.

About the Authors

Sayyid Moustafa al-Qazwini was born in Karbala, Iraq. He graduated from the Islamic seminary in Qum, Iran and immigrated to the U.S. He is an author of several Islamic books and lectures across the nation. He is the founding Imam of the Islamic Educational Center of Orange County, California.

Fatma Saleh a native of Lebanon, raised in Southern California since ۱۹۷۱. She is an active member in the Muslim community of Los Angeles. She has published writings

.on Islam and speaks at universities and religious institutes on Muslim women

In the name of Allah, the Most Merciful, the most Compassionate

„By the token of time“

,Verily Man is in loss

,Except those as have faith

,and do righteous deeds

and join in mutual teaching of

,truth

".and of patience, and constancy

Qur'an, Surah al- 'Asr, ١٠٣

,Like the soul longing for its Creator

our work is dedicated to

,the One and Only

.Allah

,I'd like to thank my husband, Hassan

,my children Ali, Lena, and Dena

,my parents

.and my teacher Sayyid Moustafa

.Without your patience it would not have been possible

,Thank You

Fatma

Introduction By Sayyid Al-Qazwini

In the name of Allah, the Most Gracious, the Most Merciful

The delicate issue of women in Islam has been a subject plagued and manipulated by mendacious and misrepresented information. A body of written work has been produced by a variety of literary writers, journalists, theologians, and Muslim scholars .regarding Muslim women

Some writers have genuinely manifested the subject of Muslim women while others whom have no in-depth knowledge about the core of the religion, have used the

subject of women in Islam as a forum full of skepticism, exaggeration, and faulty .teachings

It is often stated that Islam displays women to a relative position of a lower human being, and that the Prophet Muhammad (pbuh and hf) has been reputed as having been anti-women, but upon an in depth examination of the Qur'an, and the sayings of the Prophet, one finds this to be a disingenuous accusation. The Prophet was greatly aware of women's needs and he fought to respond to them through legislation and .practice

Writers have commonly depicted and based Islam by the misconduct of Muslims, rather than the content and philosophy of its teachings. A U.S. author, critic once wrote, "Part of the glue that holds Muslim men together is

the thorough suppression of women." Contrarily, the indigent and the oppressed were .the reasons for Islam's coming, women in particular

Illustrious examples of prejudice, opposition, and appeasement on the subject have been tainted in literary works regarding Muslim women, either written by men with a man's perspective or sometimes by women emotionalizing some delicate issues, such as polygamy, while others having been influenced to conform or redress Qur'anic injunctions that would be considered "politically correct" for their society, such as .claiming the Qur'an does not order women to cover

Muslim scholars have not extensively addressed some of the complex issues of women in Islam, or given its deserved attention. Muslim scholars have been neglectful in researching and analyzing the subject deeply. Many Muslims and non-Muslims alike are not familiar with the formalities of binding social and personal rights .and the choices available for Muslim women

Often time people objectively dwell on the final outcome or verdict affecting Muslim women without being open to understand or review the logical relation that based the action, or the intricate connections of other related circumstances that were its reasoning for the judgment. Often times they are completely dismissed. One needs to genuinely question impartially as to the reasons for the practices regarding Muslim .women

Precluding a matter without subject to examination is undermining the essence of knowledge. One must erase all preconceived ideas about the subject of Muslim women and approach the matter like any other investigated work, open and unbiased. A story is told of

a man encountering Prophet Muhammad. Upon conversing with the Prophet, he realized that the man was an argumentative person. The Prophet responded to him ".by saying, "Ask me as an inquirer not as a debater

This book was not intended as a debate but rather a discussion to enlighten the .elusive subject of Muslim women

Islam innovated social and individual rights for women, and respectively accredited her as a full partner in life. Islam enabled women to own and dispose of her property without the consent of her father or husband. She is enabled to contract and manage .her own business affairs, to earn and manage her own money

Islam entitled her inheritance as a mother, daughter, sister, and wife. She has the right to deny or accept marriage proposals. Her marriage gift (mahr) is solely for her. She is entitled to vote, which, is considered to be a religious duty, and give her opinion or opposition to issues. Her penalty in civil offense is the same as a man. If she is .harmed, she is entitled to compensation justly

A book on Muslim women was needed. It was an opportunity for me, as a perpetual learner of Islamic knowledge, who has been blessed by Allah, and fortunate to experience the seminary and university (traditional and modern) views of both Eastern and Western societies, to discuss in a dialogue forum the issues surrounding .Muslim women

Before being a Muslim scholar, I am a man, and as a learning man

of Islamic knowledge it would be prejudice to confidently state that I completely understand the varying dimensions of what affects or shapes a woman's nature and feelings. Mainly, the rules governing women in Islam directly affects her, and indirectly affects men; thus, sometimes, making us unaware of her personal .perspective

That is why I believe that as a seminary scholar, I am obligated to have a better understanding by personally engaging and discussing in the sensitive issues of .women in Islam

Like the story of the Prophet encountering an argumentative person, I found my co-author the opposite, one that was inquisitive. Sister Fatma Saleh had a thriving trait - the love of discovering and seeking knowledge about her religion. She has a passion .to learn and an intuitive perception in discerning matters logically

She is on a quest to understand and seek explanations or justifications on the perplexing issues surrounding Muslim women with her questions. By contributing her personal comments and inquirers from a woman's perspective, and extensively discussing the issues, I was able to better accommodate and evaluate the sentiments .of women in my responses

Finally, I maintain impartiality in personal judgment throughout the dialogue. I relied and accommodated to the consensus, opinions, and rulings of leading and prominent .Muslim scholars

Adding that I favored neither conforming to flattering Islamic viewpoints, nor to pleasing Western opinion. My concern and priority had been, and always will be, to be truthful and accountable before Allah, on the day

.that all people shall stand before Him. The truth and answers inevitably lie with Him

Sayyid Moustafa Al-Qazwini

Shawwal ۱۴۲۱/December ۲۰۰۰

.Orange County, California

Introduction by Fatma Saleh

In the name of Allah, the Most Gracious, the Most Merciful

The issue of women in Islam had always been a subject that offended and fascinated me. As a woman, born Muslim, I had been, in the past, not convinced and argumentative of my faith. I ascribed Islam as domineering, circumscribed, and prejudice towards women. I, like many other Muslim women (and non-Muslims) had based my religious convictions on the practices of culture rather than the core of faith, .which had left me inimical about Islam

I often echoed the tauntingly and haunting words of a Muslim woman I encountered briefly, "Thank God I found Islam before I found Muslims." Not only had I found "Muslims" before I found Islam, but the constructed animosity of my faith was also formulated on the adverse writings, teachings, and dogmatic matters that shackled .Muslim women

Thus, I lived most of my life distant with preconceived and misconceived ideas about Islam and Muslim women, until I began to discursively question and ponder various subjects that I perceived as disturbing and complex. Hence, my research began on .women and their rights in Islam

Faithfully, I had maintained that God in His ultimate wisdom was just. So, -if God was a just God- then why was the share of inheritance not equal among the genders in Islam? Why was a Muslim woman's testimony worth only half

of a man? Did God really intend to limit the livelihood of Muslim women while allowing Muslim men more freedom? Was there really such a thing as rights for Muslim women? How does Islam regard the disposition of women? Would a just God ever be ?unfair to His creations

Seeking the unalloyed truth, I interrogated the issues. Beneath the distorted images, misconstrued and omitted writings, the rights of women in Islam lay hidden. Undoubtedly, Muslim women had profound rights in Islam. But, like most eras of civilization, when men were fully empowered, they deemed to obstruct, deny, or strip .women of rights, regardless of their religion, class, or ethnicity

One of the most fundamental rights given to women in Islam was absolute freedom to educate themselves and Muslim women have either not taken advantage of this right, and in some cases, been denied the opportunity. Ignorance about Islam has .been a major opponent for Muslim women

Mostly, I focused my attention on Qur'anic verses, traditions of the Prophet, and some ambiguous Shari'a rulings (code of law based on the Qur'an) that related to women. Some of my findings on Muslim women were either unfounded or misrepresented, or needed an analytical explanation. I began to discover that simply reading the Qur'anic verses or shari'an laws at face value was an incomplete evaluation of their intended purpose, and that many of the injunctions were .collocated by other related rulings

For example, in the law of Hodud and Qesas (the law of talion and

physical punishment) a woman is valued half of a man in terms of her death dues. The law apparently signifies a woman's life is worth less than that of a man's. But, one must recognize the law was based and dependent on the gender that was financially .responsible for the livelihood of the family

If a woman were murdered and she had been the responsible party in sustaining her family then her death due would be based according to a man's caliber. Islamic writings that are misleading or taken out of context continue to characterize the .image that shadows Muslim women

In my research, I began unfolding many of the misconceptions I had accumulated. Islam was not only a reverence about God, but also an institutionalized system that governed a community, both men and women alike, to function concordantly as a .unit

Yet, there remained many issues that needed defining and many rulings that needed to be discussed. I, an average Muslim woman was unaware of all the Islamic rights .that pertained to Muslim women

Muslim women had substantial political, social, and economic rights. The subject of women in Islam needed to be discussed, explained, and written about. Throughout my independent studying, I tallied numerous inquiries and commentaries on the subject of women in Islam. I was fortunate to come across a scholar whose .knowledge on Islam was not only profound, but also contemporary

I had known Sayyid Moustafa Al-Qazwini three years prior to my proposed offer to write a book

on women's rights in Islam. I had attended his lectures, attentively listened to his interpretative views on Islam, and discussed Islamic matters with him. Sayyid Moustafa is a talented orator, but above all, he has a unique ability to discursively reason Islamic doctrines. He is a scholar with insight and sees beyond the .technicalities of practicing Islamic rituals

I wanted an opportunity to explore the subject of women in Islam from a woman's perspective with the expertise of a Muslim scholar. When I approached Sayyid Moustafa on writing a book about Muslim women he welcomed the proposal. For over .a year I had put forth my inquiries and Sayyid Moustafa responded with the answers

Throughout our numerous interviews and correspondences we discussed and debated Qur'anic verses, traditions of the Prophet, and rights of women in marriage, divorce, testimony, and many other related issues –the matters were endless- regarding Muslim women. With his knowledge on Islam, and citing various sources, he was able to manifest by interpreting and clarifying the issues regarding women in Islam. The end result came about as a book entitled "A New Perspective – Women in ."Islam

The degree of the subjects covered in this book is limited, but they are based upon the consensus of Muslim scholars and other reliable sources. However, the covered subjects, and others that were not, still remain to be explored in depth. One of the .ways to strengthen Muslim women is through education, inquiries, and dialogue

My motivation to write this

book was not to inform only Muslim women about their rights, but also non-Muslims. A doctor once asked me, "Is there such a thing as rights for Muslim women?" My answer .to him was, " Most definitely

What has been fortunate for Muslim women has been that their rights were divinely given to them. Muslim women never had to struggle for their rights, their struggle has ".been in securing them

Fatma Saleh

The Month of Ramadan ١٤٢١/ November ٢٠٠٠

Los Angeles, CA-USA

Preliminary Notes

It is customary in Islam that each time the name of Allah, the prophet Muhammad, prophets, or imams (descendants and successors of prophet Muhammad) are .enunciated, the following phrases are mentioned

.Allah- "Sabhanna wa-ta'alah." Written abbreviations – SwT

Prophet Muhammad- "Peace be upon him and his family." Written abbreviations- .pbuh and hf

After the names of prophets and imams from the family of the Holy Prophet- "Peace .be upon him/her." Written abbreviations- pbuh

With all due respect, admiration, acknowledgment, and praise we have omitted the :mentioned phrases for the sake of continuity and have stated them in the beginning

:In the name of Allah, the most Merciful, the most Compassionate

.Subhanna wa-ta'alah

.Peace be upon him and his family

.Peace be upon the prophets

.Peace be upon the imams

Chapter ١: Seeking Clarity

O Mankind! Be careful of your duty to your Lord, who created you from a single entity and created its mate of the same kind and spread from these two, many men and women; and be careful of your duty to Allah, by whom you demand one another your

(rights, and to the ties of relationship; surely Allah ever watches over you. (۴:۱

Fatma: Allah(۱) expresses that He created mankind "from a single entity" then created its mate; is "mate" in reference to the woman being created from the substance of man? Furthermore, is the Qur'an implying that the creation of the woman came after ?the making of the man

Sayyid: There are some Muslim scholars who assert that the man was created first and then the woman was created from the remaining substance of the man. However, by examining the above verse, Allah indicates that the woman and the man .were created simultaneously, and that their creation came from the same substance

This is the meaning of "a single entity: min-nafsin waahida." The creation of the human is a dichotomy in which one body or mass was divided into two parts. Therefore, both genders were created from the exact substance, simultaneously, and .thus no element in the creation of the genders is superior to the other

"?Fatma: Then, to who is Allah referring when He mentions, "and created its mate

Sayyid: "Its mate" refers to both the wife and husband. Allah affirms that from the same entity He created the spouses. They were not necessarily individually addressed as the wife or the husband. The Qur'an gives compelling evidence that the creation of the man and woman came from one and the same material. Allah divided the genders into two equal parts. There is no precedence, superiority, or inferiority in the creation of

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.Arabic word for God -۱

,the genders. There is equality. The Qur'an states

And one of His signs is that He has created for you [men and women], from your own" (type, spouses so that you may enjoy comfort in their company." (۳۰:۲۱

Fatma: I have read in some Islamic references that Eve was created from the rib or remnants of Adam.(۱) I have always associated this concept with Christian doctrine, ?not Islam. What is Islam's position regarding this issue

Sayyid: There are some ambiguous Islamic references that claim Eve was created from the rib or remnants of Adam, but there is no substantial evidence regarding the .authenticity of such references

Fatma: How did equivocal references appear in Islamic resources? How do Islamic scholars determine whether references have enough substantial evidence to be ?considered reliable

Sayyid: Elaborating and defining all Islamic resources that scholars rely on would be too extensive. In brief, I will mention two of the most predominant Islamic sources: (the Qur'an and the hadiths(۲) (traditions of the Prophet Muhammad).(۳

All Muslim scholars, regardless of their school of thought, agree upon the authenticity of the Qur'an.(۴) There is no dispute among the schools regarding the immaculateness and flawlessness of the Qur'an. The Qur'an is exactly the

same text today as it was when it was revealed to Prophet Muhammad over ۱۴۰۰ years ago. However, the interpretation of the Qur'an becomes problematic when Islamic scholars attempt to explain the Qur'an. One scholar may elucidate or perceive a verse one way while another scholar may view it from a

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۱- Sahih Al-Bukhari.

۲- Hadiths, Sunnah, or traditions are actions, words, and consents of the Prophet Muhammad in matters pertaining to the meaning and practices of Islam which have

.been transmitted through a line of narrators

.Prophet Muhammad proclaimed the message of Islam -٣

Inquires about Shi'a Islam, Sayyid Moustafa Al-Qazwini. Schools of Islamic thought -٤ are paths Muslims follow to the Qur'an and traditions of the Prophet Muhammad. There are five schools of thought: Ja'fari: comprise ٢٣٪ of the Muslims. Established by Imam Ja'far ibn Muhammad al-Sadiq in Medina, Hijaz ١٤٨ H (Islamic calendar). Imam Ja'far al-Sadiq was the sixth imam of the twelve designated imams of the school of Ahlul Bayt (family members of the Prophet Muhammad). Hanafi: comprise ٣١٪ of the Muslims. Established by Imam al-Numan ibn Thabit, better known as Abu Hanafi in Kufa, Iraq during the Abbasid Empire. Maliki: comprise ٢٥٪ of the Muslims. Established by Imam Malik ibn Anas al-Asbahi in Medina, Hijaz during the Abbasid Empire in ١٤٨ H. Shafi: comprise ١٦٪ of the Muslims. Emerged in Egypt by Imam Muhammad ibn Idris al-Shafi during the Fatimid Dynasty. Hanbali: comprise ٤٪ of the Muslims. Established by Imam Ahmad ibn Hanbal in Baghdad, but only gained popularity in the Arabian Peninsula due to the ideas of Muhammad ibn Abd al-Wahhab, the founder of .Wahhabism

.different perspective or interest

When it comes to examining traditions of the Prophet, Muslim scholars are very careful about ensuring authenticity. Scholars do not accept every tradition as genuine. First, scholars closely study and thoroughly examine the credibility and reliability of .the chain of narrators, as well as, what exactly the narrators said

If scholars discover any author or narrator to be unreliable or not trustworthy then the traditions of that narrator will be disregarded. At the same time, if scholars perceive authors or narrators to be even somewhat questionable, they will refer to .their traditions as being "weak." The acceptance of a tradition depends on two things

First, the tradition must be validated through the household of the Prophet, the twelve infallible Imams,(١) or through the trustworthy companions of the Prophet. Second, their traditions must not contradict the Qur'an. Once these two criteria are met, then .scholars are certain that the tradition is authentic

In Islamic literature, there is an abundance of unauthentic traditions referred to as "Israelites."(٢) In the history of Islam, there were some people who, upon converting to Islam, were truly incognizant and unacquainted with Islamic ideology, yet still wrote unwarranted traditions. Some of these people started to propagate traditions that were unfounded; for instance, indoctrinating traditions that allege some prophets as sinning, committing adultery, and being drunk. Such outlandish lies are alien to the Islamic creed. Muslim scholars label these narrators and their traditions as ".“Israelite

;There were also some Muslim narrators who became influenced by non-Muslims

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١- The twelve Imams are the descendents and successors of the Prophet, according .to the Ahlul Bayt school of thought

٢- Israelite is a term referring to a set of Biblical stories and accounts which were .introduced into the Islamic tradition

they socialized with them, read their books, and agreed with some of their ideas. Hence, these narrators implemented non-Muslim standards and customs as Islamic traditions. Some of the narrated traditions contradicted the Qur'an, in addition to, the traditions of the Prophet, or had no relation or credibility to Islamic philosophy.

Amidst the two major branches of Islam,(١) there is a relentless controversy regarding some narrators of Islamic tradition and what the narrators said. For example, some of the main contributors to Sunni traditions are not regarded in the same fashion in Sh'ia traditions.

Sh'ia scholars cannot accept all traditions written by such known narrators; for instance, one narrator was reprimanded for exorbitant traditions,(٢) while others wrote extensive traditions in which only a measure can be considered reliable. Occasionally some scholars will use these narrators' traditions to corroborate a point, if proven from other narrated sources, that the narration was authentic.

To summarize, scholars do not regard every written tradition as authentic. If scholars suspect that a narrator wrote unattested traditions then they will thoroughly examine everything the narrator had said before accepting the authenticity of his traditions.

Returning to your question, there are some Islamic traditions that originated from previous scriptures, which claim Eve was created from the rib of Adam or his remnants, but the authentic sources deny this to be true.

Fatma: I have read traditions that claim Eve instigated Adam to act against Allah's command, and that she was the reason why man was ousted from Paradise.

١- Sh'ia: followers of the Prophet through his infallible family (for reference to Ahlul Bayt, see Qur'an ٣٣:٣٣). Sunni: followers of the Prophet through his companions.

٢- Sharh Ibn Aby Al-Hadia, v.١ p.٣۶٠.

?Is there any truth to these traditions

Sayyid: Adam and Eve were both dismissed from Paradise because they both disobeyed Allah’s instruction.(۱) However, the Qur’an puts forth the notion that Adam was more to blame than Eve.(۲) Nonetheless, they both repented to Allah and both were forgiven.(۳) Additionally, the Christian doctrine of “original sin” has no place in Islam. This is based on the clear statement in the Qur’an that no person carries the (burdened sin of another.(۴

Every soul draws the meed of its acts on none but itself, no bearer of burdens can“ (bear the burden of another.” (۶:۱۶۴

Fatma: What I find astonishing is that, during the Prophet’s short period of preaching, he was able to abolish many of the pre-Islamic rituals among pagan Arabs, such as burying daughters alive. He was able to implement rights for women at a time when (the concept of women’s rights was unheard of within the society.(۵

He was able to reform the attitude of a society, that a few years prior was barbaric toward women. What I find perplexing is that soon after the Prophet’s death, the rights and the attitude toward Muslim women ironically appeared to relapse. Today, Muslim women are still struggling in securing their rights and trying to overcome the perception of being treated like second-class citizens amongst their society. Why do ?you suppose this happened

Sayyid: The premise you gave is not entirely correct. Certainly, the Prophet abolished all of the uncivilized acts that were being perpetrated against

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Qur’an, ۲:۳۶ and ۷:۲۰-۲۴. Adam and Eve’s disobedience was not considered a sin -۱ since Allah’s command was not obligatory. Rather, it was an advisement, according to .the Ahlul Bayt school

.Qur’an, ۲۰:۱۱۵-۱۲۱ -۲

.Qur’an, ۷:۲۳ and ۲:۳۶ -۳

.Qur’an, ١٧:١٥ -۴

Few examples: inheritance, voting, freedom of expression, marketing, and - ۵
.education

women, such as female infanticide,(۱) forced prostitution,(۲) and matrimonial mistreatment.(۳)

At the same time, Islam gave women rights to participate in political affairs,(۴) to conduct and maintain their business affairs,(۵) and rights to claim inheritance.(۶) However, it would not be correct to state that the Prophet was able to reform the attitude of that society entirely.

Examine the chapters "Repentance" and "Hypocrites" in the Qur'an. These chapters depict the duplicity and indisposition of some people in that society.

Analyze how Allah contemptibly addressed some people in that society. Examine how some behaved toward the Prophet and how they caused him a great deal of grief by demonstrating disrespect and disobedience. Some members of that society were insincere, unwitting, and obstinate.

Even after the Prophet's death, the first successor, Abu Bakr, spent most of his time defending attacks caused by deceitful defectors. It would not be correct to presume that justice, respect, and harmony prevailed.

Islam granted women rights to inherit from their families. However, as an example of a slow-to-change society, shortly after the death of the Prophet, his most beloved daughter Fatima was denied her inheritance. Although she was mainly denied inheritance because of political and economical implications, still the denial was unjustified. In the minds of some people, cultural traditions and customs continued to prevail, especially when they pertained to women.

Women, then and now, are struggling for their rights in Islam. Neither Islam nor the Prophet can be blamed for the societal mistreatment of women. Religion cannot be

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۱- Qur'an, ۱۶:۵۸/۵۹ and ۱۷:۳۱.

۲- Qur'an, ۲۴:۳۳.

۳- Qur’an, ۲:۲۳۱-۲۳۲.

۴- Qur’an, ۶۰:۱۲.

۵- Qur’an, ۴:۳۲.

۶- Qur’an, ۴:۷.

criticized for denying women their rights. Granted, Muslim women in the ۲۱st century are in a much better position than their predecessors; but still, today, some women are continuously dealing with tribal societies that are ignorant of the true teachings .and practices of Islam

Fatma: Considering what you mentioned about the Prophet not entirely being able to reform the minds and practices of some people surrounding him, then what exactly ?did the Prophet achieve if the Qur'anic laws were not being adhered to

:Sayyid: Guidance is a divine task based on man's willingness. The Qur'an states

Verily O' Muhammad you guide not whom you like but Allah guides whom He will and" (He knows best those who are [willing to be] guided." (۲۸:۵۶

The Prophet's achievement was in initiating laws according to the Qur'an for the sake of humanity, and furthermore, in setting an exemplary lifestyle by teaching others .how to manage and deal with events or situations throughout their lifetime

Qur'anic laws were not exclusively meant for a group of people who lived in Medina or Mecca over ۱۴۰۰ years ago. The Prophet knew that his society would not change easily. Those who embraced Islam during the Prophet's time were mainly between the ages of thirty and sixty. Their personalities, characters, perceptions, and views on .life were already established

The Prophet could not reform the mentality of everyone in such a short period. It was a transitional period from the age of ignorance and paganism to the age of faith and

justness. Qur'anic laws were to be achieved by future generations. Comparatively, as we are working for bettering our children's lives, likewise was the Prophet. The Prophet was working for the next generation, for those who would adhere and .practice to the teachings of Islam

Fatma: "And stay quietly in your houses, and make not a dazzling display, like that of (the former times of ignorance." (۳۳:۳۳

".And stay quietly in your houses"

This Qur'anic verse seems to be in regards to the wives of the Prophet; however, some Muslim scholars also apply this verse to all Muslim women. Is this verse directed ?at all Muslim women or just the wives of the Prophet

Sayyid: This particular verse was addressed to the wives of the Prophet, but this does not mean that every time the Qur'an referred to the wives of the Prophet it was exclusively for them and no other women. While studying the Qur'an, one will come across many verses in which Allah addresses the Prophet, but in truth, Allah is not only addressing the Prophet. Allah required the Prophet to acknowledge the revelations .and wanted the rest of the Muslim community to listen and administer them

Stay quietly in your house" does not mean that women cannot venture outside of" their homes. It is informing women about making unnecessary excursions or being in "questionable environments." Let me give you an example. If on the battlefield there are enough men working and fighting, then there is no need for women

to be there. Certainly, women may assist within other areas, but they should not be on .the battlefield, on the frontline in combat

Some scholars have also interpreted this verse as a forewarning toward one of the wives of the Prophet, informing the wife not to cause any adversity — to remain home. Years after the Prophet's death, one of his wives assisted in deflecting a war against the legitimate caliph of the time, Imam Ali in the Battle of Camel, in which .thousands of Muslims died

?Fatma: How does Islam regard the nature of women

Sayyid: Women and men are born with the same humanistic qualities and are partners in humanity, according to Islam. A woman is as genuine of a human being as a man, and must, therefore, enjoy the irrefutable and undeniable rights as Allah's .creation

.A woman is in no way born imperfect or less intelligent than that of her counterpart

(We created man (men and women) in the best of molds." (۹۵:۴"

A woman's innate disposition in distinguishing right from wrong is the same as a man; .she is not more predisposed to evil or its instigation

(By the soul as it perfected and inspired it about its wrong and its right." (۹۱:۷ and ۸"

,According to the Qur'an, Allah characterizes a woman as having

(A great deal of good." (۴:۱۹"

.A woman comes into this world with a clean, pure, and unburdened soul

Every soul draws the meed of its acts on none but itself; no"

(bearer of burdens can bear the burden of another." (۶:۱۶۴

A woman's obligation in fulfilling her religious ritual toward Allah is equal to that of a .man, and her rewards and condemnations are the same

I shall not lose the sight of the labor of any of you who labors in My way, be it man or" (woman; each of you is equal to the other." (۳:۱۹۵

.A woman can reach the same closeness to Allah as a man

If any do deeds of righteousness, be they male or female and have faith, they will" (enter Heaven." (۴:۱۲۴

Fatma: What is the view of Islam on the position and accountability of Muslim women ?in society

Sayyid: Women were created to be half of society. Women are to assist in ensuring the morality, preserving the safety, and securing the well-being of future generations, and to become mothers. Women are created to become mothers and educators of .children, among other significant roles

In our era, some women have lost pride in being or becoming mothers. The honor, dignity, and admiration for motherhood has fallen. Some regard the title of "mother" or "homemaker" as demeaning. There is no shame or degradation in being a .homemaker or mother. There is nothing amiss in loving and nurturing the family

On the contrary, motherhood is the most important foundation on which children depend. Mothers are the educators of children; they are their teachers. Children look up to their mothers; they admire them, learn from them, inherit their character, their moral

beauty, and their compassion. Motherhood is something beautiful, precious, and .important. It is a long and difficult journey to become a devoted mother

Nevertheless, the importance of fatherhood should not be lessened. A father’s role is extremely significant to the family’s well being and his absence would create difficulties. Yet, the absence of a mother could be a disaster for a family. Mothers are .the threads that keep the family united

Mothers are the builders of society. They are the ones who foster great leaders, scientists, doctors, husbands, wives, fathers, and mothers. A mother can change a whole society by raising one child. This child could reform a whole nation; in essence, .mothers write history

Fatma: Does Islam encourage women to be independent and self-sufficient? Can ?they be free to choose what they want to become in life

Sayyid: Women need to be independent and self-sufficient before marriage, during marriage, and even in the event of a divorce or death. Women should be prepared, at any given moment, to depend upon themselves. No one is

certain of what the future holds. Being independent and self-sufficient can have many beneficial consequences. It creates feelings of confidence, security, and courage. However, Islam also wants a woman to be mindful that some of her decisions should .be made in consultation with someone in her life, like her parents

?Fatma: Does Islam favor segregation of the genders

Sayyid: Segregation of the genders is entirely dependent on the occasion, circumstance, or establishment. For example, Islam would recommend

segregation for social gatherings for the sake of pleasure and amusement, since they .may lead to maleficent outcomes

However, Islam would not object to appropriate mixed gatherings in which intellectual, informative, or spiritual lectures were discussed. The main point is that, if .immoral outcomes are not feared then mixed social gatherings are acceptable

Fatma: Regarding the precepts concerning women in Islam, there is a copious body of literature that instructs women on what is not recommended for them. For example, it is not recommended for women to attend mosques, recite the Qur'an in the presence of men, lecture in the presence of men, or pursue fields that are dominated mainly by men. One tends to find an array of varying restrictions. What is the consensus, ?amongst the scholars, regarding these issues

Sayyid: There is no consensus amongst the scholars regarding these issues by reason of controversy. Primarily, when scholars mention the boundaries of women, they are considering that particular society in which women live. For instance, there are some societies where women are not highly visible publicly; therefore, men are socially .unaccustomed to women

In societies where women predominantly stay at home, rarely venture out, even as far as the market, it would not be surprising for scholars to advise women not to patronize the mosques too often. Scholars that make such guidelines do so in an .attempt to safeguard women

In a similar fashion, in societies where women are engaged in and actively participate publicly (such as in the

work force or educational institutions) then such an advisement would neither be .applicable nor appropriate

Fatma: I would like to read to you a quote from a Muslim woman who wrote an article .in the "London Times" on women in Islam

Our religion doesn't give women any human dignity; women are considered slaves, I write against the religion because if women want to live like human beings they will (have to live outside the religion of Islamic law.(۱

?What do you suppose this is indicative of

Sayyid: This quotation is full of bigotry and emotionalism. The author is neither objective nor accurate in her description. Unmarred Islamic laws are contrary to the author's opinionated conclusions. Islam not only elevated the humanistic stature of .women, but also secured women's positions by empowering them with social rights

Unfortunately, there are some countries that claim to be Muslim, but they are not adherents of the genuine Islamic faith. This person may have been raised in such a country that claims to be a representative of Islam, but its Islamic practices and values have been abandoned. Perhaps, in her country, Islam is a slogan rather than .an exercised religion

There are some countries that claim to practice Islam, yet deprive women of education, isolate them from social activism, and do not allow them to voice their political opinion. They strip women of their rights, honor, dignity, and continue to ,maintain that they are representatives of Islam. Unfortunately

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.London Times, ۲۲ June ۱۹۹۴, Taslima Nasreen, a Bangladeshi author -۱

.we have this today, but this is not Islam; it is social culture

Additionally, there are some Muslim countries that attempt to depict modernism by electing women as their prime minister. Although they may have women representing their countries in the highest office, in general, they continue to disrespect women within their society. Upon examination of these societies, one may find mistreatment .or abuse of women

Some even arrange marriages for their daughters without their consent. Some husbands regard their wives as bondswomen. Such practices (and others) are .customs of society, not customs or values of Islam

Fatma: Attitudes and practices that are conducted in the name of Islam are actually contrary to the basic messages found in the Qur'an. If one examines some Arab societies in which both Christians and Muslims live together, one tends to find that the Muslim woman living amongst her own people is not respected in the same manner .as compared to the Christian woman amongst her fellow citizens

Generally, the Christian woman is shown more appreciation and respect within her community. Why do you suppose that in some Muslim societies Muslim women are ?looked upon as secondary amongst her people

Sayyid: The respect of Christian women you describe is not a result of religion, but tradition. Likewise, the comparative lack of respect that Muslim women receive in .their society also did not originate from religion, but from tradition

There are many Qur'an verses that assert the notion that men and women are to live .concordantly with one another

There are considerable amount of verses in the Qur'an that state men and women are equal. The Prophet even described men and women as being halves of one .another

Traditionally, in some Eastern societies, women have been viewed as secondary, but Islam opposes such viewpoints or mistreatments. Some people, however, might read certain passages of the Qur'an and wrongly draw inaccurate conclusions based on the laws of inheritance and testimony that women are placed in a lesser class than .that of men

To understand the laws, one must analyze their derivations, the deeper reasoning, and logic behind them. The laws mostly are based on economic and social foundations and nothing else. They are not based on the wrong assumption that women are secondary or inferior. Islamic laws were made to ensure not only the rights of the .individual, but also the rights of society as a whole

One must also keep in mind that not only Arab or Muslim societies mistreated women. Christian, Jew, Persian, Indian, etc., and non-religious societies have also misused women, and in some places, continue to do so. Even today, in the West, women are .mistreated and disrespected in many areas

Fatma: You mentioned earlier that we are still dealing with tribal societies, and that people continue to be ignorant of the teachings and practices of Islam. Often the foundation of a Muslim family is centered on giving preference, opportunities, and ?more affection toward their sons than their daughters. Why is this

Sayyid: Formerly, many people tended toward

mainstream society, which perceived men as being superior to women. This perception of superiority was also reflected within the genders of the family. Partiality toward sons was the case in families that were uninformed about the true practices of Islam. This would not be the case in a well-informed Muslim family that based its .teachings on the Qur'an and traditions of the Prophet

Nonetheless, we cannot blame Islam for the way parents mistreat their daughters. Islamic literature encourages more affection to be given toward the daughter than the son. Allah instructs parents to offer more attention to their daughters by way of .example

For instance, when parents leave on a trip, the last one they should say good-bye to is their daughter, and upon their return home, she should be the first one to be greeted. This is what the Prophet did to his own daughter, Fatima. Whenever she walked into .the room the Prophet used to stand up, kiss her, and offer her his seat

He would invite her to eat meals with him. Whenever the Prophet returned home from .a trip, he would stop at his daughter's home before going to see his wives

There are numerous verses in the Qur'an and traditions of the Prophet that detail the manner in which a daughter is to be treated. I will cite a few of the Prophet's traditions .regarding the treatment of daughters

(The best of your children are your daughters.(۱

The sign of a lucky woman is that her

.Mustadrak Al-Wasel, v. ۲, p. ۶۱۵ -۱

(first child is a girl.(1)

First, he should give to his daughters then to his sons. Whoever keeps his daughter happy will get a reward equal to the one who has freed a slave from the progeny of Prophet Ishmael. (2)

Whoever brings up faithful daughters, educates them, disciplines them, and marries them will be rewarded Paradise.(3)

Fatma: When the subject of female circumcision is addressed, the word "Islam" is often associated to it. Is there any association between Islam and female circumcision?

Sayyid: There is no association between Islam and female circumcision. Female circumcision may commonly be practiced by some African societies. The fact that those who practice female circumcision may be Muslim, does not justify concluding that it is based on Islamic rituals or practices.

Fatma: In some Muslim countries, and in some cases, when a Muslim woman is suspected or rumored to have committed an illicit act male members of the family would take it upon themselves to execute her. This disturbing act is known as "Death by Honor." Usually the perpetrator is sentenced to a few years in prison and released. Would this form of conviction be a reflection of Islamic law?

Sayyid: Any crime or sin committed in an Islamic society must be dealt with accordingly through the Islamic and civil courts. Vigilantism is forbidden. Islam honors the life and the lives of all people. Taking the life of another person is considered a cardinal sin. The only person that is permitted to execute the law is a

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۱- Mustadrak Al-Wasel, p. ۶۱۴.

۲- Makarin Al- Akhaq, authority of Ibn Abbas.

۳- Wasail Al-Sh'iah, v. ۱۵, p. ۱۰۰.

.qualified Islamic judge, not a family member

Therefore, “Death by Honor” has no basis in the Islamic tradition. In fact, the Qur’an comments on the penalty for those who accuse or rumor on the subject of adultery or .fornication without providing credible witnesses

And those who launch a charge against chaste women, and produce not four witnesses to support their allegations–flog them with eighty strips; and reject their (evidence ever after; for such men are wicked transgressors. (۲۴:۴

Chapter ۲: Matrimonial Rights, Adolescence, Mahr

Matrimonial Rights

And women shall have rights similar to the rights upon them in a just and equitable“ (manner; but men have a degree over them.” (۲:۲۲۸

Fatma: This verse is perhaps one of the most controversial and misrepresented verses regarding the relationship between a husband and a wife. Does the verse only pertain to rights within a marriage or does it also extend into the whole of society as ?well? Secondly, could you expound the entirety of this verse and cite some examples

Sayyid: The verse, which you quoted, may not be a suitable translation. Sometimes it can be difficult to translate the precise meaning of an Arabic word into English. There are many Arabic words that cannot be translated from their original meaning or .meanings into any language

Transcribers have to search for alternative words in an attempt to most accurately define a particular Arabic term. In some instances the precise meaning of the word can be lost, misrepresented, or misinterpreted. Let me attempt to translate that :verse

And the rights of

the wives —in relation to their husbands— are equal [just/enabled] to their obligations —toward their husbands— but men in their obligations - toward their wives - stand a step further: Wa lahunna methullathi 'al ayhinna bil-ma'uruf: walir-rijaali 'alayhin-na (darajah. (٢:٢٢٨

Regarding your first question, Muslim scholars (fuqaha) comment that this verse only pertains to family affairs, not to the relationships of men and women in society or .outside the boundaries of family life

In regards to society, the Qur'an states that Muslim men and women share life's moral and social responsibilities equally and jointly. In addition, they are equal in front (of the law and in all religious obligations(١) and punishments.(٢

In addition to the verse mentioned, there is another verse in the Qur'an that is .conjointly related, and thus, it is important to explain them both simultaneously

Men are the supporters and sustainers of women according to what Allah has given [or enabled] advantages of one over the other and because they support them from their means. Therefore the righteous women are truly devout ones: Ar-rijaalu qaw-waamuuna 'alan-

nisaa-'i bima faz-zalallaahu ba'-za hum 'alaa ba 'zinwwa bimaa 'anfaquu (min'amwaalihim. Fas-Saalihaatu qaanitaatun. (٤:٣٤

,The Qur'an has decreed

Men in their obligations — toward their wives — stand a step further: walir-rijaali" ('alayhin-na darajah." (٢:٢٢٨

The "step further" of which the Qur'an speaks is not a position of greater rank or nobility. The "step" the Qur'an makes reference to is the obligatory duty given to the ;man in the care of the woman

.Qur’an, ٩:٧١ -١

.Qur’an, ٢٤:٢ -٢

it is not a degree of superiority. Allah ordained men with the responsibility to preserve ,and solely sustain women. This is supported by the verse that states

Men are the supporters and sustainers of women: ar-rijaalu qaw-waamuuna ‘alan-“ (nisaa-‘i.” (۴:۳۴

.The “step further” is in no way a form of dominance or preference

.The Qur’an reminds us that men and women were created from the same essence

Allah] created you all out of one living entity: khalaqakum min-nafsinw-waahida.”]“ ((۴:۱

The Qur’an consistently makes reference to equity, parity, and equilibrium among the genders. It disposes of genders and makes no distinction whatsoever between the superiority or inferiority of men and women. On the contrary, it is the piety of a person .that distinguishes him or her by ranks or degrees, not gender or lineage

The most honored of you [male or female] in the sight of Allah is he who is most“ (righteous of you: in-na ‘akramakum ‘indal-laahi ‘atqaakum.” (۴۹:۱۳

Islam does not represent favoritism or show partiality in the interest of men. Precedence is given toward the general welfare of society, not genders. It is .equilibrium of interest between both genders that benefits all members of society

The totality of society always supersedes one sector of society. The rights and responsibilities of a woman are equally proportioned to those of a man, but they are .not necessarily identical. Equality and identicalness are two different issues

Certainly we sent Our Messengers with clear proofs and sent down with them the“ Book and the

(Balance, so that humankind may conduct itself with equity." (۵۷:۲۵

Women and men are symmetrically balanced when it comes to their relationship with Allah. On the other hand, the symmetrical balance differentiates when it comes to men and women's roles and responsibilities, not only toward themselves and each other, but also to society as a whole. It is never implied that one gender surpasses the other; in essence, both genders must be in an equal pace with one another, each .recognizing the importance of its unbiased contribution

Women and men in Islam are complementary to each other. According to a tradition (of the Prophet, "Men and women are siblings of one another."(۱

The Qur'an mandates that the husband exclusively shoulders the responsibility of maintaining his wife financially, and that he safeguards the interest of the family. In Islam, the wife is not obligated to pay for her living expenses, and it is incumbent upon .the husband to maintain her according to his means

If the husband is wealthy, then he must provide for his wife an affluent lifestyle or, on the other hand, if the husband is poor, then the wife forestalls a less than moderate (way of living.(۲

Referring to the two verses (۲:۲۲۸ and ۴:۳۴), assuredly, they have defended the honor and integrity of women. When a Muslim woman marries, she has the privilege of never working outside the home. She does not have to contend with raising children, managing a home, and contributing additional income to support the

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۱- Al-Hadith An-Nabawi, Mawsu'at Atraaf, v. ۳, p. ۵۵ and ۲۶۶.

۲- Qur'an, ۶۵:۷.

.family

Islam has acknowledged the noble responsibility and tasks that a woman must endure in raising a family. Therefore, Islam has freed her from the additional undertaking of providing for the family financially. In fact, she is not obligated for any .of the domestic affairs

?Fatma: Are you implying that there is no such concept as a "homemaker" in Islam

Sayyid: There is no such term as "homemaker" in Islam. A woman in Islam is not compelled to cook, clean, launder, or perform any other domestic duties. If the wife chooses to do the work, it would be considered noble and thoughtful; otherwise, she .is not obligated to do so

Besides, she can also request monetary compensation for any of the work, even that of nursing her own child. Nonetheless, Islam does not want to undermine the importance or the need of the wife to assist with the household duties. To be considered a homemaker is prestigious, if not the noblest of all roles for a woman. Not to deter from the subject, it is important to note some very important traditions from .the Prophet regarding domestic duties

How much reward is there for a woman's housework? Um-Salamah (wife of the Prophet) asked the Prophet. The Prophet replied, any woman who in the way of improving the order of the house, takes something from somewhere and places it somewhere else would enjoy the grace of Allah and whoever attracts the blessings of Allah would not be tormented by Allah's anger. (١)

The Prophet

.Usul al-Kafi, v. ۵, p.١١٣ -١

said, "O women! Whosoever among you is busy in arranging the domestic affairs, (Allah willing, she will get the reward of Islam's soldiers and mujahedeen(۱)."(۲

Sequentially, in reference to the two verses, they have not only sanctified the prestige of women, but have underwritten a fostered relationship for raising and caring for children by assuring that the mother would be home and exempted from toilsome domestic work. She is then able to dedicate all her time, thoughts, and love toward .nurturing the family

Some people have taken these two verses and adversely interpreted them as a form of male dominance, or as a form of superiority over women, even defining the verses .as the wife being compelled to submit herself to her husband's will unconditionally

These interpretations are entirely contrary to the foundations and principles of Islam. Islam, by no manner or mean, would allow any form of superiority. Islam adamantly opposes tyranny, oppression, dictatorship, abuse, or the infringement of rights. The ,Qur'an specifically states

Treat them [wife] in a just manner: wa lahunna methullathi 'al ayhinna bil-ma'ruuf," " ((۲:۲۲۸

and

Live with them on a footing of kindness and equity: wa 'aashiruuhun-na bil-ma'-ruuf."" ((۴:۱۹

These verses, among many others found in the Qur'an, and hundreds of noted .traditions of the Prophet, constitute the basis of marriage

And the rights of the wives — in relation to their husband — are equal to their" (obligations — toward their husbands." (۲:۲۲۸

This verse affirms that the husband is neither an authoritative partner who

١- Struggling for the cause of Allah.

٢- Nuhjul Fasaahah

cannot be questioned, nor one who is to be favored with absolute obedience. Allah .has enunciated in this verse entitlements for wives similar to those of husbands

To clarify, the matrimonial rights are conditional, and are dependent upon a reciprocal compliance in which each partner has a set of responsibilities or duties that must be fulfilled. If one or both partners fail to perform his or her duties, then, subsequently, .an injunction and verdict may be implemented

Fatma: Later, I would like you to explain these conditions, but in continuance of ۴:۳۴, the Qur'an mentions two things that need clarifying. One is the word "fadallah," which has been translated as "given or enabled advantages of one over the other," and the ?other is "truly devout: qaanitaat." What do they mean exactly

Sayyid: The word "fadallah" may mean given, enabled, preferred, or distinguished in responsibilities and duties, depending on the context of the sentence. In reference to this particular verse, it is best to use the word enabled, given, or distinguished, but not .preferred

Fadallah" is interpreted as distinguishing men from women concerning the" undertakings and responsibilities of supporting, sustaining, and taking full care of the family. It does not signify that men are preferred or greater in excellence than .women

In fact, upon studying the Qur'an and traditions of the Prophet, one may conclude that admiration, leniency, and preference are sometimes given more to women. There are extraordinary traditions by the Prophet that summarize the eminence of women. Once a man came

:to the Prophet asking

O Messenger of Allah, who among the people is the most worthy of my good companionship? The Prophet said, your mother. The man said, then who is next? The Prophet said, your mother. The man asked for the third time, then who is next? The Prophet said, your mother. The man further asked, then who is next? Only then, the Prophet said, your father.(۱)

Also, the Prophet said, "Heaven lies beneath the feet of mothers." (۲)

Allah would not permit any form of injustice or deficiency among His creations. Allah bestowed unique and distinguishable features upon each individual ̃mentally, physically, and spiritually.

And wish not for the things in which God hath bestowed His gifts freely on some of" you than others." (۴:۳۲)

This verse denotes that every man and woman is created with notable qualities.

Fatma: Why did Islam choose men to be the caretakers of women?

Sayyid: Scholars cite many explanations. However, primarily scholars focus on the biological fact that men are physically stronger than women; therefore, men are more apt to exert themselves for the livelihood of their families. Hence, men become the caretakers of women. In addition, the nature of a man's psychological development is audacious and chivalrous.

Addressing the word "qaanitaat," some scholars have transcribed the word as meaning obedient, yet it has many other meanings in Arabic. For example, it can mean truly devoted, or lifting of hands during prayer, or listening, or submitting, and perhaps it could give meaning of obedience,

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۱- Wasail Al-Sh'iah, v. ۳, p. ۶.

.Al-Nisa'i, Ibn Majah, and Ahmad -٢

.but again obedience toward the husband is only limited within the religious perimeter

That is to say, if the husband makes a request of his wife, and that request is indoctrinated or practiced by Islam, and if it were within her ability, then the wife should cooperate and adhere to the request. On the other hand, if the husband makes a request of his wife which is religiously unlawful, or inappropriate, or not within her .ability, then she is not obligated to obey his request

Fatma: In the archives of Islamic literature, there are some traditions regarding women that I find to be degrading and highly reprehensible. I would like your .comment on one particular tradition of the Prophet and its veracity

It is not right that any human being should prostrate to another being, and if it were right for any human being to prostrate to another human being I would have ordered the woman to prostrate to her husband due to the greatness of his rights upon her. By Him in whose Hands my soul, if from his foot to the crown of his head there was a wound pouring forth with puss and she came and licked that then she would still not (have fulfilled his rights.(١

Sayyid: Keep in mind when we discussed the authenticity of some traditions in the chapter "Seeking Clarity," I explained that not all traditions of the Prophet are authentic. Then, in the beginning of this chapter, I also discussed that not all Arabic

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١- Ahmad

terms can be translated properly. However, I am familiar with the first half of the tradition, but I cannot verify the authenticity of the second half ("licking the puss...").

This tradition is allegorical, in the sense that if a woman were fortunate enough to marry a pious man with exceptional qualities, one who treated her extraordinary well, and fulfilled her physical and emotional needs, then, respectfully, she would treat him in the same manner.

Fatma: How do you explain the following tradition from Imam Ali, who not only happened to be one of the rightful rulers of Islam,(1) but also shared one of the closest ties to the Prophet?(2)

O, you people! Women are deficient in faith, deficient in shares, and deficient in intelligence. As regards to the deficiency in their faith, it is their abstention from prayers and fasting during their menstrual period.

As regards to deficiency in their intelligence, it is because the evidence of two women is equal to that of one man. As for the deficiency of their shares, that is because of their share in inheritance being half of men. So, beware of the evils of women. Be on your guard even from those of them who are good. Do not obey them even in good things so that they may not attract you to evils.(3)

Sayyid: Imam Ali was not suggesting or confirming that Allah insufficiently created women. There is no deficiency in the creation of women.

"We have indeed created man in the best

۱- Imam Ali, the first of the twelve infallible successors to the Prophet.

۲- Imam Ali, first cousin to the Prophet and son-in-law (married to Fatima).

۳- Nahjul Balagha, v. ۱, sermon ۸۰.

(of molds." (۹۵:۴

The concluded examples that Imam Ali draws on are metaphoric and the tradition is missing a fundamental part which was the incident that infused the words. Imam Ali was indirectly addressing one woman who caused a great deal of damage to the Islamic community in the Battle of Camel. However, this subject would deter us from (our topic. For further details, one can refer to other resources.(۱

:Fatma

And the rights of the wives —in relation to their husbands— are equal to their" (obligations —toward their husbands." (۲:۲۲۸

You briefly touched upon this verse and, interestingly, mentioned the words ?"conditional" and "reciprocal compliance." Can you elaborate on this matter

Sayyid: When it comes to the rights of men and women, the Qur'an always speaks about mutuality, cooperation, and respect. These are the fundamental principals in .any matrimonial relationship

Wa lahunna methullathi 'al ayhinna bil-ma'ruuf" is translated as "And the rights of the" wives —in relation to their husbands— are equal to their obligations toward their (husbands." (۲:۲۲۸

This verse is the basis by which the foundation of matrimonial relationships must thrive. Allah notes that in the same way men have rights over women, women also .have rights over men

?Fatma: What are those rights that a husband has upon his wife

Sayyid: It is extremely important to mention both the husband's rights upon the wife, and the wife's rights upon the husband in order to compare and comprehend the very delicate issue of Islamic matrimonial rights. Keeping in mind that

.Tarikh Al-Tabari and Ibn Al-Althueer -١

the relationship of husband and wife is based on mutuality, cooperation, and respect, there are indoctrinated rights which husbands have upon their wives, and Muslim :scholars (fuqaha) note them as the following

Haq al-ta'a: which means the right of compliance from the wife. The compliances (۱ are that the husband can require his wife to comply with her religious and moral duties. Furthermore, she is not to leave the house without his permission, if it .(encroaches upon his right for "tamkeem"(see below ۲

Tamkeem: which means that the wife makes herself physically available to her (۲ husband provided that she is physically and psychologically well. Alternatively, some .scholars refer to it as haqq istimta'a —the right of physical and emotional enjoyment

Haq al-maiyah: which means that the wife spends time with her husband; a form of (۳ .companionship

:The wife's rights upon her husband are as follows

Nafaqa: which means that the husband is required to financially cover all the living (۱ expenditures of his wife. This is a very broad term, and it involves a stupendous list of miscellaneous items needed for living, such as shelter, clothing, home fixtures, and .money

Haq al-irwa al-jinsi: which means physical gratification. This right not only discusses (۲ the act of intimacy, but also entails the romantic and playful gestures made by the .husband to his wife

Muthajia: which means to be in bed with one's wife. It does not necessarily mean (۳ being intimate with her, but coming

home, being next to her, sleeping in the same house, in the same bed (mandated: wajib) at least one night out of every four. Although it is highly recommended to be .with one’s wife every night

,The Qur’an words it beautifully (۴

Live with them [women] on a footing of kindness and equity: wa ‘aashiruuhun-na bil-“ (ma ‘ruuf,” which means a peaceful coexistence between the couples. (۴:۱۹

This verse inevitably touches upon every aspect of a woman’s life —physical, .psychological, emotional, financial, and spiritual

.It is important to note that the rights stated are conditional and not absolute

Fatma: Fascinating. Although it may be too complex to extensively detail each right you mentioned, I believe that it is important to briefly explain them. In addition, you indicate that these rights are governed by reciprocal compliances, and if broken, then subsequently an injunction and verdict would be issued. Could you clarify the circumstances regarding the potential injunctions and how the verdicts could be ?implemented

Sayyid: Muslim scholars use the Arabic terms nushuuz and shiqaaqa whenever there is a predicament or an abiding breach of matrimonial rights. Consequently, there are .two classifications of discordance or incompliance

Nashiz pertains to the sole partner who has neglected or disregarded the (۱ .matrimonial responsibilities

Shiqaaq pertains to partners that are disagreeing simultaneously or behaving (۲ .evasively toward their obligatory duties

When any of the classifications are in violation, then subsequently a judgment would .be rendered

?Fatma: How is nushuuz defined

,Sayyid: Nushuuz involves the physical

p: ۴۰

financial, emotional, or moral obligations required of each partner. Nushuuz can be defined as disobeying, abuse, mistreatment, desertion, disagreements, or conflicts .being perpetrated by the husband or wife

The Qur'an has described some of the natures of nushuuz. In addition, the decree .that attempts to solve or direct certain circumstances has also been rendered

As for those women whose recalcitrance and offensiveness [nushuuzahun] you have reason to fear, admonish them, and refrain from any contact with them, and wathrebuhun(۱) them if this becomes unavoidable and fair to prevent very serious harm caused by them against themselves or others; but if they want to keep you (company, do not try in any way to be unfair or harmful to them. (۴:۳۴

If a wife feels cruelty or desertion [nushuuzan] on her husband's part, there is no blame on them if they arrange an amicable settlement between themselves; and (such a settlement is best. (۴:۱۲۸

Fatma: Would the judgments differ depending on the classification of discordance, ?and if so, how would they be enforced

Sayyid: Without a doubt the judgments are contingent upon the situation. Earlier, I mentioned that these rights are reciprocal and conditional. For example, if the husband fails to fulfill his obligations, then an Islamic judge can render the wife with .sanctions to withhold some of the rights that her husband can request of her

Fatma: Could you state some circumstantial examples of the sanctions that the wife ?can enforce

Sayyid: Suppose the husband is not fulfilling his obligations, or that he is

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۱- Defined by the Prophet as a light tap.

engaging in religiously unlawful or damaging practices which are having a negative effect on the family such as, drinking alcohol, gambling, or abusing his wife physically .or emotionally

If after much dissuasion from the wife the husband continues his activities, then the wife may implement one of the injunctions by refusing to share her bed with him, for example. If the activities continue, the wife may then seek assistance by presenting her case to the Islamic judiciary system. Upon studying the case, the judge may issue .a variety of inflictions

The judge may frighten the husband with physical punishment, penalize him .financially, or threaten to separate him from his wife

Fatma: What are the injunctions when the wife is nashuza, not complying with her ?duties

Sayyid: If the wife were noncompliant with her duties or engaging in religiously unlawful or damaging practices, then the husband may exercise the same injunctions that the wife has upon her husband if he is in defiance. The only difference is that the .husband does not have to resort to the courts immediately for assistance

To begin, the husband is to admonish the wife or seek professional assistance. If the problem continues, the husband may then refuse to share the matrimonial bed with her. After every endeavor has been made and exhausted, and the husband still fears the recalcitrance and offensiveness of his wife, and if it will end the serious harm caused by her to herself, or the

Family, then he may apply a

very delicate verdict —to tap the wife lightly. One must keep in mind, however, that the wife is within her rights to implement the same punishment upon her husband. I will discuss this matter in detail later.(1)

Fatma: Most definitely these issues need to be discussed in detail. Returning to the term scholars use "haq-al-ta'a," meaning the husband's right of compliance from the wife, compliance has an extent of varying definitions. By what means and to what degree is compliance required?

Sayyid: When Islamic scholars discuss the rights that husbands have upon their wives they use the term haq-al-ta'a, which means the right of compliance from the wife, but again compliance is not absolute; it is conditional. It is compliance in the sense of adhering to all the commands set by Allah; women should conform to all the decrees Allah has prescribed.

When a husband requests of his wife something which Allah has already intended or prescribed, then a wife should comply. Secondly, the husband has the final decision in family affairs. This applies to many areas, such as how many children they will have, where they will live, activities of the wife, and others. Yet, again, compliance is conditional.

Fatma: Hypothetically, if the husband does not practice his own religious duties, and he requests his wife to practice hijab(2) when she herself wishes not to, could he rightly do so? If so, is there not a verse from the Qur'an that adamantly states,

"There is no compulsion in

۱- See chapter "Disciplinary Action."

۲- Statutory Islamic dress for women; covering of the body and hair.

(religion." (۲:۲۵۶

Sayyid: When the Qur'an speaks about "no compulsion in religion" it is referring to people who have not accepted Islam as their religion. Islam is not a forced or compulsory religion; one may forsake it any time one wishes. However, once one claims to be a Muslim then that person has independently chosen the religion of .Islam

The root meaning of Islam is tasleem, to surrender. When people refer to themselves as Muslims then, in essence, they have surrendered to the teachings and practices of .Islam

True Muslims are constantly implementing every aspect and guideline of the Qur'an and traditions of the Prophet throughout their daily lives. Such guidelines and traditions infiltrate many areas of a Muslim's life, such as the manner of greeting one another, conducting business, education, family affairs, political or social events, even .the etiquette upon entering someone's home

Hijab is a commandment not to be demanded by a husband, but by Allah. A husband is within his right to ask his wife to practice wearing hijab because he is asking of her something that Allah has already requested. If the husband requests of his wife an .action or deed that is religious or appropriate, then she should comply

Even if he does not fully practice his religious duties like praying, fasting, or paying alms, he is still within the religious guidelines to request his wife to adhere to hers. As long as the husband is not commanding her to do religiously unlawful or irrational ,tasks

.then she should cooperate

Conversely, the husband should never order his wife not to wear hijab. The husband, on no account, should make his wife do anything contrary to the ordinances of Islam. The wife is not compelled to listen to her husband when he demands of her something .that is contrary to the commandments of Allah, even if he threatens her with divorce

Fatma: I would assume, that due to financial reasons, the husband limits the number ?of children he will have, but may he also limit the activities of his wife

Sayyid: Your assumption is not entirely correct. In general, both issues are contingent upon the situation. If the husband displays a sense of financial maturity by maintaining a suitable lifestyle for his family, then the husband will essentially have .the final word in limiting the number of children they will bring into this world

Islam has placed a huge burden on the father of children. The father is solely and completely responsible for financially maintaining his children until they are capable of supporting themselves. Furthermore, if the father has adult daughters and they .remain in his home, then he is obligated to continue supporting them

Perhaps, it may seem unfair for a mother to have to bear and raise children for many years. Most certainly, the mother undergoes incredible difficulties physically and emotionally in raising children, but one must remember that within a few years the children will become adults. The mother’s allotted task will cease, but the father’s financial

.duty remains

In contrast, an area of dispute or disagreement would be if the father could not provide the basic or adequate lifestyle for his children such as, tuition for their education, health care coverage, or good housing, etc. In such a case, if the husband still insisted on having more children then the wife is within all of her rights to not .adhere to his wishes

Another area of conditional compliance is deciding where the married couple will live. If the wife does not specify in her marriage contract where she wants to live, then the husband is at liberty to choose the city or country of residence. Taking into account that the husband will be the sole financial supporter of the family, his decision, in most cases, will be based on financial security, an ethical society, and perhaps being .adjacent to family members

If the wife refuses in the matter of location, then her objection must be based on a sound predicament. For example, if the husband wishes to live by the beach and the wife objects, and she bases her objection on the environment influencing the children in a negative manner, she can request postponing the relocation until the children .have independently moved on with their lives. Her objection would prevail

With respect to limiting the wife’s activities, this is also conditional. If the wife needs to educate herself religiously, then the husband cannot prevent her from doing so. In addition, if the wife wants to make

her pilgrimage to the hajj(1) with her own money, and she has secured her safety, .then the husband cannot refuse her permission

Fatma: I have read in numerous sources that the wife must seek permission of the ?husband before leaving her home. Is this accurate

Sayyid: Again, it depends on the circumstances. Ordinarily, this law is rarely exercised; only when it is necessary may it be used. If the husband is content with his wife's activities, then there may be no need to seek his permission. If the wife senses that her husband harbors a concern or an objection, then she should try to avoid the .behavior or resolve the matter with her husband

In most cases, this rule does not mean every time the wife steps outside the home she has to notify her husband and seek his permission, unless there are what Muslim scholars regard as muftadha, meaning an illegitimate intention, corruption, or consequential quandary. These are areas in which the husband may fully implement .his right to restrict his wife's outside activities

For instance, the wife has a set of friends with disreputable character and she wishes to spend time associating with them. If the husband does not approve, then it is within his right to forbid his wife from associating with such people. Or, perchance, she leaves the house or the children carelessly, or perhaps the husband begins to justifiably

suspect his wife of immoral actions. These are just a few examples in which the husband is within

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۱- Hajj is a pilgrimage Muslims must undertake, if permitted, once in their lifetime to .the house of Allah called the Kabah, located in Mecca, Hijaz

his right to limit his wife's activity. However, it is important to note that a wife may stipulate in her marriage contract that she will not be prevented from going out of her home on suitable occasions or for her economical or social needs, provided that the .action does not infringe on the rights of her husband or children

Fatma: Can the wife implement the same ruling thereby restricting the activities of ?her husband

Sayyid: It all depends on the circumstances. If the husband's activities are having a harmful effect upon the livelihood of the family, and she is unable to change his actions, then the wife should seek assistance from community leaders, imams,(١) or .Islamic courts in an attempt to reform her husband

Fatma: In most cases a marriage is based on the three fundamental principles you mentioned earlier: mutuality, cooperation, and respect. Why is it then necessary to ?establish a law that mentions the wife seeking permission to leave the house

Would you not agree, in general, a wife who honors her husband would try to avoid ?situations that might displease her husband or bring about illegitimate situations

Sayyid: Most certainly. A wife who loves and respects her husband would automatically avoid displeasing him, but nonetheless, it is important to note the .situations in case of disagreement

To illustrate, there are customary laws, laws that are perceived as common, such as driving cautiously through a school zone where one would instinctively slow down without the need to read the

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١- Religious scholars/leaders of Islam.

posted speed limit. Although there are posted laws that specifically state the speed .limit, drivers commonly slow down

The only time the law would be enforced is if it were broken. Similarly, the wife (before leaving the home) knows what situations would be contrary to her husband's wishes .and would instinctively avoid them. If necessary, the rule may be again elucidated

Fatma: If a Muslim woman wants to make her hajj pilgrimage, why is it necessary that she seek written permission from her husband, and why does she need a chaperone ?(muharam) to travel with her

Sayyid: For the sake of clarity, the husband's written consent for the wife to fulfill her hajj or to travel is only a legal formality imposed by certain Muslim countries. Islam never mentions that one must have a written consent for the wife to travel. However, .it requires that the husband voluntarily consent and approve of her travel or activities

The reason why a woman may need a chaperone with her when she travels is to protect her from the iniquitous acts prevalent in some societies. Islam is not a religion that dominates or inhibits women; on the contrary, Islam is a religion that wants to protect women by preventing transgression or encroachment from immoral societies. Islam has taken the precautionary measure of safeguarding her journey by providing .her with a male chaperone

?Fatma: Are the laws of travel found in the Qur'an or traditions of the Prophet

Sayyid: The guidelines for a

(woman traveling may be found in numerous traditions of the Prophet.(۱

Fatma: Some scholars state that the husband may execute his right to prevent his ?wife from visiting her family. Is this accurate

Sayyid: If it infringes on his legitimate right, such as companionship with his wife then, yes. However, the husband should always remember that his wife is a human being with feelings and a tendency for a social life. Visiting her family is essential in catering .to her emotional needs

Fatma: What happens in situations when the husband forbids his wife from leaving the home without justifying the reason? How can a wife protect herself from a ?husband who pompously abuses his right in an ill-manner

Sayyid: The situation mentioned is usually caused by an argument in which the couple was quarrelling. Typically, if the husband were a religious man, he would not act in an (unfashionable manner because he would break one of the covenants.(۲

On the other hand, if the husband inscrutably misuses his right, and the wife feels that he is treating her unjustly then this would be grounds for arbitration. The Qur'an gives .an objective account of how to address the problem

If ye fear a breach between them twain, appoint two arbiters, one from his family" and one from hers; if they wish for peace, Allah will cause for their reconciliation." ((۴:۳۵

Again, the husband is in no way left free to pursue his self-willed desire. If he were a man of faith and honor, he would

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.Ibn Abbas -۱

.Qur'an, ۴:۱۹ and ۲:۲۲۸ -۲

not violate the laws of Islam. The husband must always remember that the wife also has a set of rules that govern, protect, and guide her. The wife is entitled, at any time, to withhold or enforce her rights whenever any form of injustice is being perpetrated .against her

Fatma: There is a well-known tradition that requires all Muslims to obtain an education. You made a reference that the husband cannot prevent his wife from .leaving the home when it relates to accessing a religious education

What would be the case if the marriage contract were not conditioned, and the wife wanted to pursue her college degree, or even, wished to work in her field of study? Could her husband prevent her, and if she did, without his approval, would it be ?considered a transgression

Sayyid: The husband should do his best to accommodate his wife's aspirations and .needs. The wife should not pursue her studies or work without her husband's consent

Fatma: The Qur'an provides reasons why wives must comply with their husbands ;wishes

Allah has given or enabled advantages of one over the other and because they" (support them from their means." (۴:۳۴

Is the Qur'an justifying that the reasons why the wife should comply with her husband's wishes is because the husband is more capable of physically, psychologically, and financially supporting her? If so, is this not a form of preference ?or subordination

To underline again, is the Qur'an justifying compliance based on financial support? Moreover, are not the

responsibilities that the wife undertakes an equitable balance of diverse ?responsibilities

,Sayyid: Once again, iterating what the Qur'an mentions

Live with them [women] on a footing of kindness and equity: wa 'aashiruuhun-na bil-" (ma 'ruuf," (۴:۱۹

And

To treat them [wife] in a just manner; wa lahunna mislullazi 'al ayhinna bil-ma'ruuf." " ((۲:۲۲۸

These verses are the epitome of regulations that govern the manner in which women are to be treated. Islam is based on mu'amalla, the good treatment of others, and on akhlaq, excellent manners. If women are treated in a well and justified manner, then .certainly it leaves no room for preference, injustice, and especially subordination

There are numerous traditions that address the manner in which a husband should .treat his wife. I will cite a few

A man once asked Imam Sadiq(۱) about the rights of a wife over her husband. The Imam replied, "He should fulfill all of her fundamental necessities and must not terrify her by becoming angry time and again. If after he fulfills her

needs, he is kind, and affectionate toward her, then I swear by Allah, he has fulfilled his wife's rights." (۲) The Prophet said, "The most perfect believers are the best in (conduct and best of you are those who are best to their families." (۳

There is much more to a marriage than just sustenance. Islam has recognized the basis of a successful marriage, which is mutual cooperation, respect, love, trust, understanding, tolerance, and patience. Islam regards the institution of marriage as a

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Imam Ja'far Assadiq was the sixth Imam of Ahlul Bayt and successor to the - ۱

.Prophet

.Usul al-Kafi -۲

.Bihar Al-Anwar, v. ۱۰۳, p. ۲۲۴ -۳

continuation of humanity, fulfilling and safeguarding psychological, emotional, and physical desires, based upon faith and virtue. "No foundation of Islam is as beloved and as mighty as the foundation and institution of marriage," said the Prophet.(١)

"And of His signs is that He created your mates from yourselves that you might find in them rest, and He put between you affection and compassion." (٣٠:٢١)

"They (women) are raiment for you, and you are a raiment for them." (٢:١٨٧)

"It is He who has created you from a single person and made its mate of like nature in order that he might dwell with her in love." (٧:١٨٩)

Regarding your last point, without undermining the responsibilities of women, Islam has burdened men with more obligations, such as sustaining and supporting the family. With that point considered, complying with the requests of the husband is not intended as a form of balance for sustenance. The Qur'an has described its reasoning best;

"And as for the believing men and believing women, they are guardians of each other." (٩:٧١)

Fatma: Earlier you mentioned the rights that couples have upon each other. Starting with the wife, could you describe some of the precepts of her matrimonial rights?

Sayyid: One of the most monumental rights and greatest endowments ever given to women in Islam is financial independence, nifiqa. The husband is completely responsible for the livelihood of his wife and children. There are two major cornerstones that govern the rules and expectations of one's livelihood.

"Let the

p: ٥٣

١- Mustradrak Al-Wasel, v. ٢, p. ٥٣١.

man of means spend according to his means and the man whose resources are (restricted, let him spend according to what Allah has given him." (۶۵:۷

Nafiqa translates as "living expenditure" in Arabic. It is a very broad term and it covers a variety of itemized means of inventorial sustenance, such as clothing, housing, furniture, and spending money. There are collections of books that pertain to this .matter; they detail the necessary provisions the husband must provide for his family

Some of the books are meticulous and go as far as specifying what is to be stored in the pantry, for instance, cooking oil, sugar, flour, and the recommended food items .that should be served on Muslim holidays

Fatma: Does the financial dependence only pertain to husbands maintaining their ?wives

Sayyid: Women in Islam whether married, unmarried, divorced, or widowed are never obligated to work for their livelihood. If she is single or divorced, her father secures her provisions. If her father is deceased, then her brother provides for her. If she is .widowed then her husband's estate or her son will maintain her

If this is insufficient, then her father, brother, or paternal uncles will support her. This does not mean that a Muslim woman cannot seek employment or that she is not to .pursue her career ambitions. This is a choice, the prerogative of every Muslim woman

If she wishes to exercise her religious right of financial dependence, then she is within her right to do so. On the other

hand, if she proves to be a responsible individual and wishes to support herself, then .that would also be acceptable

?Fatma: Why has Islam given women this level of ease in financial matters

Sayyid: Islam looks upon women as worthy of honor and respect. Islam has preserved the dignity of women by liberating them from the exceedingly great tasks of physically laboring or mentally exhausting themselves in order to survive. Yet, its true intention and purpose is to enable them to pursue the most important job —to .raise an upright, moral, and respectable family

Generally, women and men expect and desire one day to be married and raise a family. When a woman decides to do so, and on becoming a mother, then she may undergo extraordinary physiological and psychological changes — things over which she has no control. Islam has been considerate of a woman’s disposition and has given her the tremendous relief of not adding to her burden by providing and securing .her means of livelihood

It is not insinuated that women are mentally or physical incapable of supporting themselves. Some women have proven to be capable of toiling as much as some men, .and, in addition, have demonstrated leadership qualities

Nevertheless, the uniqueness of a woman’s disposition has placed her in a particular standing. In most cases, women are bound by their physiological structure, which not .only limits them physically, but also affects them emotionally

Women, in general, have two qualities by which Allah distinguishes them from

men. First, they are essential for the creation and propagation of the human race. Second, they have comparatively delicate bodies and sensitive perceptions. These distinctions place them in a unique position which requires special guidelines .concerning their lives

Islam generally does not "personalize." Islamic laws or injunctions mainly are based on the welfare of society. Islam advocates that men are better fit to work outside the .home while women are better suited to tend to the family

Islam does not mandate or force anyone to abide by the guidelines completely; there is a choice in the matter. If both partners mutually agree on their lifestyle, then they are within their rights to live their lives as they deem fit, as long as it does not .contradict the rules of Islam

Fatma: You made an interesting point regarding having a choice about the recommended guidelines, this matter must be elaborated on later. Returning to the rights that a wife has upon her husband, too often Muslim women are informed of their conjugal responsibilities toward their husbands. Could you state the manner of ?intimacy that the wife can expect from her husband

Sayyid: There is a famous saying in Islam, "There is no shyness when asking a question about faith." This means that every subject is open for dialogue. There is not one issue that is barred from discussion, no matter how private, objective, or .controversial the topic may be

Islam is very sensitive and extremely responsive to the physical and emotional needs of

women. One of the major rights a woman has upon her husband is called haqirwail jinse in Arabic —the physical fulfillment and playful

actions before intimacy. Muslim scholars have gone into great details about the intimacy and mannerism of haqirwail jinse. I will list some traditions made by the .Prophet

In the same manner that a wife is to make herself available for her husband, the husband is to make himself available for his wife. It is forbidden for a man to abandon (his wife physically for more than four months.(١

Even if he is traveling, he must cut short his trip and return home, unless he is physically restrained from leaving, for example, by being imprisoned. Additionally, if the wife strongly desires intimacy, and her husband has abandoned fulfilling his .duties, then he would be committing a transgression

Fatma: Correct me if what I read is wrong. If a wife refuses intimacy with her husband because she has a headache, or she is tired, or not in the mood, then the angels will .curse her

Sayyid: Regardless of whether she is in pain from her head, back, or any point in her body, I challenge anyone to cite a credible tradition which states that if a wife were in physical pain and denied her husband intimacy then the angels would curse her. If she were truly in pain, and not pretending, it would be inconsiderate for the husband to .approach her

The conjugal right is a requirement and obligation of

.Al-Tahtheeb, v. ٧ -١

both partners. If the wife were to deny her husband on account that she was simply lazy or not in the mood then she would not be fulfilling her matrimonial commitment. On the same account, if the husband denied his wife intimacy he would not be fulfilling .his duties as well

Returning to our original conversation, there is an Arabic term called muda'abah. It describes the way a mother plays with her child — lovingly, teasingly, and endearingly. This term is also used when referring to the relationship between the husband and wife. It is highly recommended that the husband display his emotions .toward his wife by behaving affectionately

There is a tradition from Imam Sadiq that has a significant meaning. "One of you who approaches his wife and finishes with her and she is not fully satisfied and then she exits from beneath him, that if she finds a slave she would hold to him."(۱) The significance of this tradition is to enlighten the husband about the importance of .fulfilling his wife's needs before parting from her

?Fatma: Why is a slave used as a reference

Sayyid: Before, during, and after the time of the Prophet, slavery existed. Although, slavery was in the process of being abolished by Islam, it still existed for a short while after the time of the Prophet. Slaves did not have the same rights or prestige as free .individuals. For this reason, slaves were viewed as second-class citizens

The reference to a slave is to make

.Man La Yuhthoral Al-Faqeeh, v. ۳, p. ۳۶۴ -۱

a point that when married couples are at their most intimate time together, and the husband has completely satisfied himself and has left his wife not satisfied, then, in essence, he has left her in a vulnerable state in which she may attempt to satisfy herself with another man, even an inferior man, like the example of a slave given in .the tradition

Imam Sadiq said, “When a husband is being intimate with his spouse, he should not come to her like a bird— hit and run. He should prolong until she fulfills her needs.” (١)

The Prophet once said, “When a man approaches his wife he should not hasten until she is satisfied because women have needs.”(٢)

The Prophet said, “If a man has a collection of women and he does not have physical contact and if one of the wives commits adultery then the [greater] sin is placed on the man because he did not fulfill his duties.”(٣)

Another expected right that a wife has upon her husband is that he be well groomed. Meaning that his body is clean, his facial hairs trimmed accordingly, he smells pleasant, his attire is neat, and so forth. There is a tradition from Imam Rida(۴) on the account of the Prophet that states, “Women of the Bani Israel deviated from the path of chastity because their men were not bothered about cleanliness and their good looks. What you expect of your wife, she expects from you.”(۵)

The Prophet said, “You men must make yourselves tidy

١- Usul al-Kafi, v. ۵.

٢- Usul al-Kafi, v. ۵.

٣- Usul al-Kafi, v. ۵.

۴- Ali Rida is the eighth Imam in the twelve descendents of Ahl al-Bayt.

۵- Bihar Al-Anwar, v. ٧۶, p. ١٠٢.

(and be prepared for your wives, as you would like them to be prepared for you."(۱

Once a man was relaying an incident to another man that he had with Imam Ali. He :said

I saw Imam Ali who had dyed his hair. I asked if indeed he had dyed his hair. Imam Ali stated, "Yes. Adornment of a man for the sake of his wife helps her keep her chastity. Women who deviate from the path of chastity do so due to the carelessness and faults of their husbands. Do you like to see your wife untidy?" The man replied, "No." (Imam Ali then added, "She thinks just the same as you do."(۲

Now, the third right that a wife can ask of her husband is muthaja'ah, a form of companionship and close association. Meaning, the husband spends nights with his .wife, not necessarily being intimate with her, but being together in the same bed

,Lastly, as the Qur'an beautifully states

Live with them [women] on a footing of kindness and equity: wa 'aashiruuhun-na bil-" (ma 'ruuf." (۴:۱۹

.This verse is self-explanatory and firmly covers every facet of treating a woman

Fatma: Tamkeem, or haqq istimata'a, is the wife making herself available for her husband. These are rights the husband could request of his wife. Could you clarify ?their particulars

Sayyid: One of the essential behaviors of a wife in marriage is tamkeem or haqq istimta'a. This is when the wife makes herself physically available to and pleasantly charming for her

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.Mustadrak Al-Wasel, v. ۲, p. ۵۵۹ -۱

.Wasail Al-Sh'iah, v. ۱۴, p. ۱۸۳ -۲

.husband

There are exceptions to this rule, such as when the wife is menstruating, post-childbirth, illness, hajj performance, and obligatorily fasts and prayers. Otherwise, the .wife should make herself physically and emotionally available to her husband

Once a woman came to the Prophet to complain about her husband. After she expressed her complaint, the Prophet concluded that she was, in part, responsible. He said, "Maybe you are one of the delayers." She asked, "Who are the delayers?" The Prophet replied, "The delayer is the wife whose husband is inviting her to be with him (and she keeps on delaying him until he tires and falls asleep."(١

This anecdote has profound meaning. Sometimes women can be so caught up with domestic duties, careers, or social affairs that when their husbands want their companionship they keep putting them aside. Although, some of these undertakings may be considered important; nevertheless, they do not measure up to the relationship one must establish and ensure with one's partner. Remember, marriage .is a partnered tie

Similarly, the recommendations listed for the husband's right in tamkeem are equivalent to the wife's right in haq al-irwa al-jinsi. The wife should only beautify herself for her husband, for instance showering, using make-up, perfume, wearing jewelry, and dressing attractively. Even if her husband were blind or deaf, his sense of .smell and touch may still be highly developed

Continuing with the last and final right (that is truly the pivotal point of a firm relationship) is haqq al-maiya, a

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.Usual, Al-Kafi, v. ۵ -۱

form of companionship and friendship. The husband may request of his wife to .accompany him, or to be home upon his arrival, or to spend evenings together

These are the only rights a husband and wife may impose upon each other. For some couples these rights may be deemed impractical, or rarely practiced, or even unnecessary to mention, while for others they are the focal point on which couples .base their relationship

Islam does not impose on couples complete adherence to all of the rights verbatim. It mentions them in case of disparities, disagreements, or as guidance to either advise, direct, recommend, or to solve certain problems. Every individual is within his or her .right, before his or her marriage contract, to accept or reject any of the rights

Fatma: You mentioned previously that a woman has a choice concerning the ?recommended guidelines. Are you stating that the rights mentioned are optional

Sayyid: Upon contracting the marriage, the rights that were just mentioned are automatically presumed. Couples do not necessarily have to go through each and every single right and agree upon them; they are already fixed as a platform for either securing their rights in marriage or enforcing them. Interestingly though, if one or both partners chooses to modify or relinquish certain marital rights, upon .agreement of the other partner, then they are within their domain to do so

Fatma: My assumption was that Qur’anic laws always superseded changes or .modifications done by any person

Sayyid: Indeed, Qur’anic laws may never be modified

or relinquished; however, rights may be. In Islam, there are two differentiating rules of procedures and conduct. One is called hukom and the other is called haqq.

Hukom is a judgment — a divine injunction, an order set by Allah. No one may alter, modify, relinquish, or postpone it in any way. Take, for example, practicing hijab, no one should ever argue that, in this day and age, or that because a woman lives in this area of the world that she should not practice hijab, or that her husband does not want her to observe it.

Observing hijab is not up to an individual simply because he or she does not see a reason for it. Hijab is mandatory; it is an injunction ordered by Allah. No person could ever override such a law, just like the prayers, fast, alms giving, performing the hajj, not drinking or gambling, and so forth. These are all injunctions; laws that are mandated for every Muslim to follow.

Haqq, within the domain of marital rights and responsibilities, is also considered as an obligatory rule that maybe altered, relinquished, modified, or conditioned, provided that both parties agree and that the changes do not contradict Islamic laws (shariah). Here is where the Qur’an has been generous. The Qur’an has given people liberty to live their lives as they see fit.

The marital rights listed are not unbreakable; they may be modified. Islamic law (shariah) allows couples to place clauses, stipulate terms, or renounce any part of

their marital contract granted that the parties mutually agree, and that the changes .do not contradict the laws of Islam

Allah wants people to live a life based on mutuality within the prescribed rules (hukom). Allah does not want to dictate to people how they are to live their lives entirely. Allah wants married couples to agree on what best defines a respectable lifestyle. Mutual agreement, cooperation, and shared interests are what build healthy .and lifelong relationships

It is highly recommended that, before marriage, couples are in agreement regarding matters they consider important and relevant. If couples come to an acceptable agreement, and it is within the boundaries of Islamic law, then there is no need to refer to the marital rights that were mentioned. Islamic scholars only refer to the matrimonial rights when couples had presumably accepted the rights, and then one .spouse (or both) defies them

To illustrate, there have been cases where some wives, especially elderly women, place a clause in their marital contract that waives conjugal relations with the husband. If the man agrees, then the contract would be in order. Although it may be .unusual, she is within her right to place this condition provided that the man agrees

Perhaps her intentions for marriage are not personal. Perhaps the marriage was more of a business contract, a social entitlement, or as a form of security. She is within her right to place such and any conditions, again, provided that the modifications are jointly agreed upon and

.do not contradict (binding) Islamic laws

As another example, a man who wishes to marry may propose conditions to the wife. He may say to her, "I will marry you provided you agree this will be your moderate home, your economical car, and the amount of money you will receive each month." If she agrees, then the contract would be in order, even if he were able to provide for .her a better lifestyle and chooses not to, perhaps for personal reasons

For example, he may fear that she may abandon him one day, or that she may use the money or provisions for her relatives. He has the right to exercise .conservativeness or caution in his spending

Fatma: Did you not mention that there was a major cornerstone governing the rules ?of one's livelihood

Let the man of means spend according to his means and the man whose resources" (are restricted, let him spend according to what Allah has given him."(۶۵:۷

Is this verse not an injunction (hukom)? Would not this verse protect a woman from a ?man who is miserly

Sayyid: The verse you cited was for a particular injunction mentioned in the chapter entitled "Divorce" in the Qur'an, that orders the husband to maintain sustaining his former wife who is nursing his child. However, the verse may also be applied to other .areas of one's life, for example, marital expenditures

This verse is an injunction, but the verse also pertains to marriages in which there are ,no changes, no stipulations

no conditions, and no modifications. This verse is related to the typical marital contract in which no stipulations are contracted; hence, the prescribed typical rights .would then be assumed

If we refer to the previously mentioned example of the man who planned on marrying yet had placed conditions prior to the marital contract, he had in fact given the woman .the option to marry with conditions or to not marry him

He was not imposing the restrictions after the fact of the marriage contract; he stated them prior. A woman is in no way obligated to marry such a man. She is entitled to .either accept such conditions or refuse the proposed offer

Fatma: At the time of contracting the marriage, the rights of each partner are already ?presumed, even if the partners are ignorant of their expectant rights (haqq), correct

Sayyid: Correct. Upon completing the prescribed marital contract, all the rights (huqoq) are automatically accepted, regardless of whether one (or both) of the .partners was unaware of the specifics

?Fatma: If the couple decides, they can add or delete rights (huqoq), correct

Sayyid: Only if the changes are within religious boundaries and each person agrees. As long as it is not forbidden religiously, then they can add or delete whatever they .wish

Fatma: The Qur'an has already stipulated that a man of means must provide accordingly. How then do scholars distinguish between verses that are obligatory or ?(binding (hukom) and those that are permitted to be altered (haqq

Sayyid: Primarily, the way in

which scholars differentiate between obligatory injunctions (hukom), such as prayers, fasts, or alms giving and some rights (haqq) that can be modified is when they are .based on social contracts, such as marriages, divorces, or business agreements

Take, for example, the verse

(Men are the supporters and sustainers of women." (۴:۳۴"

The verse mandates husbands to bear the responsibility of financially supporting and maintaining their wives. However, the verse is not compulsory (hukom); it is a right (haqq). If, for example, a wealthy woman opted to sustain her husband, she may. .Islam would not forbid her from supporting her husband financially

?Fatma: Could a woman contract that her husband may not marry a second wife

.Sayyid: She is within her right to implement such a rule, provided the husband agrees

Fatma: But you mentioned that the stipulation must not conflict with religious .doctrine; yet, Islam allows the man to marry up to four women

Sayyid: The key word is allowed, meaning it is permitted. It is important to note that marrying a second wife is not obligatory (wajib), it is permissible (mubah). There is a difference between obligatory issuances and permissible acts. If polygamy were .obligatory then she would not be entitled to impose such restrictions

When a wife stipulates in her marriage contract that she does not want her husband to marry another wife, essentially she is stating "as long as you are married to me, you may not practice this permissible act, and, if you wish to, then you must divorce me

before you act upon this matter." She does not state that he may not marry another .woman

She is not avowing that it is forbidden (haram) for him to do so; it is allowed (halal). He may marry another woman, but her marital contract specifically states that if he .wants to marry another woman then he must divorce her first

Fatma: When couples modify their marriage contract, must it be documented with an ?imam (Islamic scholar) or Islamic court

Sayyid: It is highly recommended that couples rightfully document the modifications and obtain two just witnesses. The document would serve as a reminder and security .if any future problems occur

Fatma: According to some traditions, marriage is considered as fulfilling half of one's religion. These traditions give the impression that marriage is mandatory for all ?Muslims. Is it

Sayyid: Marriage in Islam is regarded as a dogmatic practice, not an obligatory order. Islam considers the institution of marriage as a form of protecting and securing the ,well-being of an individual, such as morally, emotionally

physically, and spiritually. Therefore, it becomes a mandatory issuance. The Prophet said, "Whoever marries protects half of his religion."(۱) Hence, in order to ensure and protect one's chastity, it becomes incumbent upon a Muslim to marry. Although for .some people who do not marry, it would not be considered a sin

?Fatma: Does marriage require witnesses

Sayyid: In the school of Ahlul Bayt, witnesses are recommended but not mandatory. If ,a couple recites the formula of marriage between themselves

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۱- .Wasail Al-Sh'iah, v. ۵

with no witnesses, then their marriage will be valid. Unlike divorce, which requires witnesses and places obstacles, marriage does not. Islam encourages and facilitates .couples to marry

?Fatma: Must the marriage formula be recited in Arabic

Sayyid: Most contemporary scholars prefer that the marriage formula be recited in .Arabic, but if it is impossible then any other language would suffice

Fatma: When a Muslim woman marries, she is entitled to keep her maiden name. She ?is not required to replace her father's name with her husband's name, correct

Sayyid: If the wife wishes, she can keep her maiden name and maintain her .independent identity

Fatma: It is well known that a Muslim woman cannot marry a non-Muslim, yet there are opposing arguments regarding a Muslim man marrying a Christian or Jewish ,woman. Those that are in favor of such marriages refer to the verse which states

Lawful unto you in marriage are not only chaste women who are believers, but" chaste women among the People of the Book: wal muhsanato minal mo-minati wal (muhsanato minal lazina utul kitaba min qab-likum." (۵:۵

Can a Muslim man marry a Christian or Jewish woman without her conversion to ?Islam

Sayyid: The verse, which you quoted, is related to events which were occurring during the time of the Prophet. When Islam became prevalent and popular in Arabia, some Muslim men became proud of their religious heritage. As a consequence, some of .these men wanted to marry only women who were born Muslim

They gave

no opportunity to the faithful, converted Muslim women who descended from the Jewish or Christian faiths. Islam wanted Muslim men to marry women who were not only born Muslim, but also faithful women who had newly converted to Islam from .previously divine scriptures

Islam is a continuation and completion of the three monotheistic religions. Islam believes in the original texts of the Torah and Bible, and considers the followers of ".Prophet Moses and Prophet Jesus as "People of the Book

Since one of the principles of marriage is firm family values and shared interests, today's contemporary scholars of Ahlul Bayt, as a mandatory precaution, state that it is not recommended for a Muslim man to permanently marry a Jewish or Christian .woman

The reason for this is to avoid conflicts in religious matters and to provide a lifestyle that may be compatibly shared, in particular, when it comes to raising children. It is for the benefit and serenity of not only the couples, but also for the children that parents .be mutually involved in the same religion

Adolescence

Fatma: When a girl reaches the end of her ninth year in the Islamic (Lunar) calendar, she becomes responsible for fulfilling her religious duties independently (mukalif). Is ?this age also considered lawful for marriage

Sayyid: According to some scholars, a girl who reaches the end of her ninth year in the Islamic calendar (hijra) becomes responsible for her religious duties, such as prayers and fasts. There are also some scholars that state a

girl's religious

responsibility commences upon menstruation. Nevertheless, the consensus of contemporary scholars is that menstruation is the primary criterion for marriage, not .necessarily one's age, as being the main factor

Despite this consensus, in our time and age, I would not recommend marriage before mental and physical maturity, and a demonstration of one's ability to bear the task of .being a full partner in the family

Fatma: How does Islam justify a "young age" for marriage when, in most cases, adolescent girls are immature and incapable of managing the tremendous ?responsibilities of a marriage

Sayyid: One must understand that Islam knows no race or culture, and it is not bonded to time. Islam is a religion sent for all time and humankind. Although there may be many girls in the world who are young and too immature for marriage, there are also many adolescent (ages ۱۳-۱۹) girls who may be ready for marriage. It would .be prejudicial to state that all adolescent girls are too immature for marriage

In most cases, if we compare the maturity level of adolescent girls in Western societies to those of Eastern societies, one would tend to find that the readiness and .ability levels of the Eastern girls for marriage surpass that of the Western girls

Fatma: Islam is a religion that demands of its adherents physical rituals(۱) that require psychological and spiritual conceptualization. Considering that, in general, most young adolescent girls are not mature enough to comprehend the religious undertakings mandated of them, how

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۱- e.g., five daily prayers, fasting, ritual cleansing baths, and others.

then does Islam explain the equivalence level of religious responsibilities of young girls to that of adult women, since both are required to implement their religious ?duties

Sayyid: It would be unfair to state that the religious expectancy levels of young girls and adult women are equivalent. The Qur'an gives, through parables, numerous examples of degrees in accountability and affirms that people will not be judged in the .same manner

(Allah does not impose upon a soul a duty but to the extent of its ability." (۲:۲۸۶"

When girls begin to change physically, mentally, and emotionally, it is an introductory stage toward womanhood. It is during this phase that Islam also introduces itself. The development of the spirit is the foundation that makes a person become a rightful .human being

Fatma: In Islam, when a girl reaches physical, mental, and social maturity, she is entitled to manage and dispose of her property or commercial enterprises as she ?pleases, correct

.Sayyid: Considering that she is fully mature in all the areas you mentioned, correct

Fatma: Taking into consideration that Islam has recognized her as a responsible person, then why is it necessary for her to seek the permission of her father to marry ?((for the first time

Sayyid: Marriage should not be impetuously decided upon. It requires mature thought and keen perception. There is the famous saying "Love is blind." Marriage should never be based solely on love, and, unfortunately, it is the mere romantic emotion that drives the immature adult into

.making unwise decisions

In general, when young women are emotionally involved with a man, their sense of perception is somewhat distorted. It is during this critical time that the father who raised her, cared for her, and loved her all those years, responsibly analyzes if that particular man is well-suited for his daughter. Generally, fathers want what is best for .their daughters

If the groom was a man who feared and obeyed Allah, and he was able to provide for his daughter a comfortable lifestyle, then there would be absolutely no objection to the marriage. In fact, most fathers would give their blessings from the beginning of .the religious courting

Some women may take offense to this particular ruling, but one should not view it in a negative or demeaning manner. This is a form of protection. This ruling protects the .girl from being taken advantage of and from making an irrational decision

Let us presume that you have a twenty-year-old daughter and she was in love with a man who drank and was consistently in and out of work. Would you give your blessings or would you state your opposition to such a marriage? Even though your daughter is twenty years old, would you agree that she is making an appropriate .decision? Age is not the only criterion for marriage; maturity counts as well

Fatma: Permission of the father for marriage is religiously required for a young woman who marries for the first time. Is there a certain age limit

to this ruling? What would be the case if the woman were thirty-something? Would ?she still be required to obtain her father's permission

Sayyid: Scholars of Islam state that, as an obligatory precaution and as a gesture of .respect for the father, the woman should seek her father's approval

Fatma: According to some schools of thought, the father or grandfather are permitted to contract a marriage for a minor, whether male or female. Then, upon puberty (baleigh) that contract becomes binding unless one of the parties opposes the :marriage. A traditional story has been told

A young girl came before the Prophet perplexed and anxious. She exclaimed, "O Messenger of Allah, from the hand of this father..." "But what has your father done to you?" the Prophet asked. "He has given me in marriage before consulting me in the .matter," she said

Now that he has done it, agree and be his wife," said the Prophet. "How can I be a" wife to a man I do not like?" asked the woman. "If you do not like him, that is the end of the matter. You have full authority. Go and make the choice of a man whom you (would like to marry," said the Prophet.(۱

All the varying schools of thought agree that a marriage contract is only valid when both parties consent, but my inquiry is to understand why Islam allows the father or grandfather to contract a marriage prior to the maturity of the girl or boy when their approval

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.The Rights of Women in Islam, Murtaza Mutahheri -۱

?is a prerequisite for the marriage contract to be binding

Sayyid: In the early days of Islam, it was customary for some individuals to marry at a young age. Parents used to arrange marriages for their children. This was the tradition. Islam encourages parents to seek the best suitor for their children, but it .forbids parents to exercise a marital contract in which one or both parties oppose

Fatma: What happens in cases when the father unjustifiably rejects his daughter's ?(suitor and she decides to elope. Would her marriage be void (batal

.Sayyid: In order to answer that question correctly, unjustifiably must be clarified

If the suitor were a man of good faith, a practicing Muslim, compatible with the moral and religious standing of her family, and was capable of sustaining her then there would be no basis for the father's objection. If

the daughter eloped, then her marriage would be in order. At the same time, Islam .advises that the woman continue to seek her father's blessings

Mahr

?Fatma: Is a mahr mandatory in marriage

Sayyid: A marriage would not be valid without stipulating a mahr. Some people assume that the mahr is a form of buying a bride; it is not. The mahr is a gift. Traditionally, it has been money, but it is not necessary that it be money. It could be anything from an extravagant gift, sending one's wife for her hajj pilgrimage, or .presenting one's wife with a Qur'an

Fatma: Traditionally it has been money; therefore, there were monetary reasons

?for the mahr. What is Islam's position regarding the mahr

Sayyid: A monetary mahr can be a form of financially securing a woman with provisions. In the past, and even in contemporary times, many women have struggled for financial security. A monetary mahr may become a means of providing financial security for a woman who may in the future require assistance in which to live. Also, it .may establish an opportunity to market the money to gain economic strength

Fatma: What happens in cases where the mahr amount had not been settled? Would the wife then be entitled to a mahr appropriate for her socio-economic status (mehr-?(i-mithl

Sayyid: The mahr would be considered equivalent to that of her peers. Presuming one daughter's mahr was $۱۰,۰۰۰ then it would be expected that the other daughter's .mahr to be the same

Fatma: What happens if a wife dies and the husband still has not paid the mahr in full? Would the husband be required to pay into the deceased wife's estate in order for her ?living parents and children to inherit from her

Sayyid: If the wife died, and the husband had yet to pay the full mahr, then he would .have to pay his deceased wife's estate

Fatma: How would the wife ensure her mahr if the husband died and he had not paid ?the mahr in full

Sayyid: If the mahr had not been paid in full then it would be considered as a loan or .as a debt the husband owed his wife

The wife, at anytime throughout the time of her marriage, may request her husband to pay the mahr. If the husband died before paying the full amount of the mahr, then the wife's mahr would be considered a debt. It would need to be paid off from his .estate before anyone could claim inheritance from his will

Fatma: Consider the scenario that a couple agreed on a mahr in the sum of $۱۰,۰۰۰. At the time of marriage, the husband gave his wife $۳,۰۰۰ with a promise to pay her the remaining $۷,۰۰۰ in the future. Would the remainder of the mahr in the future be paid according to the exact amount ($۷,۰۰۰), or would it depend on a variety of circumstances, such as the cost of living, the currency of the country, or the financial ?status of the husband at the time of payment

Sayyid: The remaining balance of the mahr would be equivalent to the present value of what would have been considered equivalent had it been paid off at the past market value. In other words, if the value of $۷,۰۰۰ ten years ago is presently worth .$۱۴,۰۰۰, then the husband would be required to pay the cost of the current market

Husbands must understand that if the mahr is money, and if it has not been paid in full, then it is considered a loan that must be paid. It is a promissory note to pay the full amount, and husbands must take into consideration that

if they delay paying the remainder of the mahr, then they run the risk of the mahr .increasing to the current market value

Islam does not force men to settle on an exorbitant sum for the mahr. Men should offer according to their capabilities. The mahr does not have to be money. It could be anything that has value, whether it be a sentimental

gift or Currency

Fatma: Therefore, the currency of the country or the financial status of the husband ?cannot be used in modifying the remaining balance of the mahr, correct

Sayyid: If the husband were unable to pay the remaining mahr, then the general rule .of debt would apply

If the debtor is in difficulty, grant him time till it is easy for him to repay. But if you" (remit it by way of charity, that is best for you if you only knew." (۲:۲۸۰

Chapter ۳: Divorce, Divorce and Mahr, Proprietorship

Divorce

Fatma: Why has the authority for divorce been inherently willed to the husband in ?Islam

Sayyid: Divorce in Islam is considered one of the most detestable actions in the sight of Allah. Imam Sadiq quoted the Prophet as saying, "Get married, but do not divorce, (because a divorce would tremble the 'Arsh [empyrean] of Allah."(۱

Unlike some religions, divorce in Islam is permissible, but its procedure is strictly observed. Finalizing a divorce in Islam is not as simple as some people may perceive. .It is a long and extensive process

The husband may have been automatically willed as the final executor of the divorce decree, but

۱- ۲۲۵. ,Makarin Al-Akhaq.

the process for divorce is difficult and conditional. The reason for this is that divorce has consequences and repercussions, not only upon the married couple, but also .upon the children, and, unavoidably, the immediate relatives and society

Scholars have a variety of justifications as to why divorce has been determined as the man's right. Their reasons are not as some people may believe, such as that men are somehow superior to women or that men are the caretakers of women. Most scholars conclude that the main reasons are the result of a woman's psychological .structure and of the man's obligation to provide her with financial sustenance

Women, in general, are more apt to react emotionally to sensitive situations or tragedies. This is not to imply that men do not react to dramatic events. They certainly do. Nevertheless, in general, men are a bit calmer and cautiously attentive when .handling uncertainties

Fatma: Is Islam insinuating that women, in general, are psychologically weak and not ?up to par in handling uncertainties rationally

Sayyid: If women were unable to handle uncertainties rationally then Allah would not have gifted women with becoming mothers, which entails the great psychological and .physiological challenge of bearing and raising children

In general, when scholars state that women are quicker to react emotionally to uncertainties, they are referring to the personal conflicts that arise within a marriage. When referring to the personal relationship of couples, the wife, in general, has a (tendency to be more influenced by her emotions.(۱

,A serious action

.Islamic scholars cite some emotional factors, such as childbirth and menstruation -۱

such as divorce should never be based on fluctuating emotions. Divorce in Islam is a very serious matter. It is not something to be approached lightly. The origin of divorce .should, on no account, be swayed by one's temporary feelings

Fatma: Emotion is a profound reason as to why some couples get divorced. Is Islam ?asserting that there is no room for emotional factors

Sayyid: It depends on the type of emotions to which you are referring. If the reasons for divorce were based on temporary dissatisfaction with one's spouse, then that .would not be suitable grounds for divorce

If you take a dislike to them it may be that you dislike a thing and Allah brings about" (through it a great deal of good." (۴:۱۹

Whether the divorce is from the husband or wife, especially if children are involved, the divorce initially would be refused. The case would be studied extensively before a judgment could be finalized. In most cases, divorces that are not based on fluctuating .emotional circumstances may be resolved with time or through counseling

Islam condemns men and women who exercise their right for divorce on any excuse except those based on legitimate grounds and in absolutely vulnerable conditions. The grounds for divorce cannot be frivolous; they must be based on genuine, rational, .and logical justifications

The Prophet once said, "Gabriel so much commended the cause of the woman and so counseled me as to give me the impression that except in the clear case of adultery, the wife

(does not deserve to be divorced.” (۱

Fatma: Could you elucidate and expound upon the economic reasons scholars cite as ?to why the husband has been granted entitlement of divorce

Sayyid: Generally, men must have the financial means to marry. Most men put a substantial amount of their savings toward marrying in order to provide a wedding, a home, and eventually sustaining a family. Hence, scholars determine that when husbands control divorce rights, they will cautiously weigh all the factors before deciding to divorce. Otherwise men may lose some provisions and remarrying can be .costly

Furthermore, a wife’s financial loss might not be as great as a husband’s. In Islam, the wife is never required to work or provide for herself financially. It is her husband’s responsibility, and this in itself, beside the psychological make-up of a woman, is the reason the Islamic law (shar’i) recommends that divorce rights remain with the .husband

Fatma: Critics generally state that Ahlul Bayt jurists describe marriage contracts as ?binding and insoluble for women. Is there any accuracy to such a statement

Sayyid: The statement is contradictory to the laws of Islam. Women in Islam are not considered as commodities or servants of any person —not to her father, husband, grandfather, uncle, or brother. She is an independent person, capable of maintaining .her own identity, assets, and choices

It is important to note that in the marriage contract the husband is commonly granted the divorce right; however, the husband may transfer his divorce right to be exercised by

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۱- Irshad Al-Muhtaj and Huquq Al-Azway.

.the wife as a stipulated clause in the marital agreement

Fatma: Do you mean to state that entitlement of divorce can be a stipulated clause in ?the marital contract

Sayyid: Undoubtedly, it may be a stipulated clause in the marital contract. There are four categories of divorce to consider. Couples have the deciding factor on which :clause they wish to use in their marital contract, should an unavoidable divorce occur

The right of divorce is inherently given to the husband, unless it is proven that the (۱ husband has become psychologically incompetent. In this case, the Islamic judge (al-.hakim al-shar'i) would determine the divorce

The husband relinquishes his inherited divorce right and grants his wife the right of (۲ .divorce

Couples relinquish divorce procedures to the Islamic courts or an Islamic (۳ .(scholar/leader (imam

.Right of divorce is equally given to both —the husband and wife (۴

Let us discuss the third clause. To be absolutely and entirely dependent upon an Islamic judge, who has no prior knowledge or is unfamiliar with the individuality of each couple, their lives, or affairs, and the fact that this individual is charged with the authority of issuing a decision that will ultimately alter one's life, is somewhat unthinkable. Divorce is a personal matter in which only the parties involved can make .the rightful decision that best suits their lives

Similarly, the fourth clause, the right of divorce to be equally controlled by both parties, can be difficult to settle. Presuming one partner

is set on divorce, and the other is set against it, then the marriage or divorce is at a standstill because both are equal in the decision-making. Contracting this type of divorce is not advisable.

This leaves the two remaining clauses as options: either the inherited right remains with the husband, or the husband grants his divorce right to the wife. As mentioned and discussed earlier, Islamic law (shar'i) would not advocate that the divorce right is given solely to the wife. This leaves us with the last option, the right for divorce to remain with the husband (with mutual counseling and consultation with the wife). (1)

Fatma: If Islamic laws do not favor entitling the wife with divorce rights, then how would Islam protect women from husbands that use religion as an excuse to justify their [husbands'] dubious conduct?

Sayyid: Islam does not mandate that the husband must take full custody of the divorce right. The wife, upon her marital contract, can be consulted and informed of her rights and choices. Then, the decision is left up to the couple to decide what is best for them.

One must remember that even though the husband has the inherit right of divorce it is still conditional, as mentioned before. Although the right for divorce may be in his control the wife still has the opportunity to divorce her husband.

Fatma: How would the wife have an opportunity to divorce her husband if the divorce right were within the husband's possession?

Sayyid: If the husband

۱- Qur'an, ۲:۳۳. *Although this verse pertains to weaning, it could be correspondent to other aspects of marital life.

had the power of divorce, still there are ways in which a woman may petition for divorce. They are called khul'a, mubarat, and hakim shari divorces, and they all require assistance from an Islamic judge or Islamic leader (imam) for the divorce to .be issued

Khul'a (divestiture) divorce is a term applied to a wife who has developed an aversion toward her husband and despises him to the point of refusing him conjugal rights. For this particular divorce, the wife would have to forfeit her mahr, and perhaps pay an .additional amount that may exceed her mahr, for her independence

Mubarat divorce is when a wife and husband have developed a mutual aversion toward one another. Therefore, in order for the wife's autonomy, she would have to furnish the husband with some of her assets. The difference between this and a khul'a divorce is that the value does not exceed the mahr because it was a mutual .dislike

Al-hakim al-shar'i is a divorce conducted by an Islamic judge or imam with or without the consent of the husband. This particular divorce is exercised in cases where the wife, having no authority to divorce, requests and claims a legitimate reason to .divorce but the husband refuses to grant the divorce

When a husband refuses to grant a divorce, and the wife's claim for divorce is justified, then the Islamic courts or imam may intervene. The Islamic court or imam may summon the husband and order him to divorce her, or they may

finalize the divorce with or without his consent. This type of divorce is termed hakim al-shar’i.

Assuming the wife does not have the power of divorce and that she wishes for separation then her claim for a divorce must be warranted. Scholars have specific criteria for such cases. Additionally, there are certain cases in which a marriage may be automatically annulled without declaration or legal procedures. They are as follows:

۱. Annulment: If the husband concealed his insanity before the marriage contract.

۲. Annulment: If the husband concealed a communicable or a burdening disease before the marital contract.

۳. Annulment: If the husband concealed castration before the marital contract.

۴. Annulment: If the husband apostatizes (abandons his faith). The moment a husband apostatizes, the marriage dissolves instantaneously.

۵. Divorce Procedures: If the husband becomes insane during the marriage.

۶. Divorce Procedures: If the husband physically abuses or is violent toward his wife.

۷. Divorce Procedures: If the husband no longer supports his wife financially.

۸. Divorce Procedures: If the husband abandons his wife physically because of long-term imprisonment, he is missing, or he has deserted her.

۹. Divorce Procedures: If the husband becomes physically contagious.

۱۰. Divorce Procedures: If the husband becomes castrated during marriage, and the consequences become unbearable for the wife.

There is one criterion on which scholars differ —impotence. Some scholars state that if the husband knew of his impotence before marriage and purposely withheld this information from the bride then that would constitute

grounds for a justifiable divorce or annulment. Additionally, if the wife kept silent about

p: ٨٥

the matter and years later voiced her complaint and based the grounds for divorce .upon his impotence, then the husband must divorce her

Other scholars argue that if the husband were capable of being intimate once with his wife and later became impotent then this alone would not be grounds for divorce. These scholars recommend that the couple try to seek medical and psychological care for the problem rather than resorting to a divorce. Yet, if it were completely .unbearable (auser and harraj) for the wife then scholars would grant a divorce

?Fatma: What is the procedure for divorce

:Sayyid: The Qur’an expresses how divorce is to be respectably handled

(Either take them back on equitable terms or part with them on equitable terms. (۶۵:۲

If you fear a breach between them twain, appoint two arbiters, one from his family and the other from hers; if they wish for peace, Allah will cause their reconciliation. ((۴:۳۵

Every divorce is conditional and highly dependent upon the situation. The Qur’an :details the procedures for common divorce cases

And when you divorce women and they reach their prescribed time, then either retain them in good fellowship or set them free with liberality, and do not retain them for injury, so that you exceed the limits, and whoever does this, he indeed is unjust to his (own soul. (۲:۲۳۱

And when you have divorced women and they have ended their term then do not prevent them from marrying their husbands when they agree among themselves

(in a lawful manner. (۲:۲۳۲

There is no blame on you if you divorce women when you have not touched them or (appointed for them a portion, and make provisions for them. (۲:۲۳۶

(And for the divorced women provisions must be made according to usage. (۲:۲۴۱

And the divorced women should keep themselves in waiting for three courses; and it is not lawful for them that they should conceal what Allah has created in their wombs. ((۲:۲۲۸

Regardless of which partner has the entitlement of divorce, when a divorce is initiated there are procedures that must be followed by both partners in order for the divorce .to be religiously binding

There are two classes of divorce, revocable (rejie) and irrevocable (ba'aen). Revocable (rejie) divorces can be likened to a three-month counseling period (iddah) in which the couple may reconcile within that time without renewing their marriage .contract

On the other hand, irrevocable divorces dissolve the marriage instantly. However, there still remains a three-month recuperation period (iddah) for the woman. If the .couple decides to reconcile then they must contract a new marriage

?Fatma: Do revocable and irrevocable divorces vary in their procedures

:Sayyid: Absolutely. The procedure for most revocable divorces is as follows

The wife must be post-childbirth bleeding (nifas), or clean of her menses, or waiting .the end of her menses if a conjugal relation had taken place

This means that, if the wife were menstruating, or has post-childbirth bleeding, then) the couple must wait until the wife's cycle ceases before pronouncing the divorce

decree. Or, if the couple had a conjugal relation then they must wait until the passing (.of the wife's next menstrual cycle before divorce procedures can begin

Intention to divorce must be announced or a representative (wakil) is sent on behalf (١ .of the initiator

Two just witnesses (adil) are required as observers of the intended divorce or a (٢ .congregational hearing is held

There are no specific phrases vocalized during divorce procedures. However, it is preferred that the husband or wife enunciates the words in Arabic. If it were impossible then any other language would suffice. They may either utter the words "I divorce you" before witnesses, or the appointed representative may pronounce divorce on their behalf. Then a waiting period (iddah) of three menstrual cycles or .three months (if the wife's menses were abnormal) must be adhered to

During the waiting period (iddah) in a revocable divorce, the husband is required to maintain his wife's living expense. He is not to annoy her or restrict her provisions. The wife is to remain with the husband, in the same home, and she does not have to observe hijab before him at home. The husband has no right to send her out of the .home

(And turn them not out of their houses, nor shall they themselves leave." (۶۵:۱"

Once the wife has fully completed her third menstrual cycle, or the three-month duration has elapsed, she is divorced. If she is pregnant then the waiting period and financial sustenance continues until she delivers

.the child

?Fatma: How are irrevocable divorces handled

Sayyid: Some of the most common examples of irrevocable divorces are khul'a, (mubarat, and hakim al-shar'i (Islamic judge) divorces.(۱

Irrevocable divorces dissolve the marriage instantly upon its utterance; it is a final judgment. However, the wife is still required to observe the waiting period, but the .husband is not required to sustain her during the waiting period

Furthermore, the couple may no longer live together and she would have to observe hijab before him. If the couple wishes to return as husband and wife they would have .to contract a new marriage

Fatma: Regarding the waiting period, in cases where the marriage was not ?consummated then there would not be a waiting period for the wife, correct

Sayyid: Some marriages dissolve before consummation and the Qur'an answers your .question regarding the waiting period

When you marry believing women, and then divorce them before you have touched" them, no period of Iddah [waiting] have you to count in respect of them: So give them (a present and set them free in a handsome manner." (۳۳:۴۹

Fatma: Why has the Qur'an given much attention to the three-month period of a ?woman's menstruation for a divorce to be finalized

Sayyid: There are two reasons, one in which a famous quote explains well, "Time mends a broken heart." Second, a waiting period secures the welfare and lineage of .the unborn child

The three-month period (for revocable divorce) stands as an obstacle for the couple ;before the final sentencing

For more information on irrevocable divorce refer to books on Islamic laws, – ١
.chapters on divorce

it acts as an opportunity for reflection and reconciliation. This allows couples to heavily contemplate their decision. It provides time for them to miss one another and .to work out their differences

The purpose for the woman’s waiting period in an irrevocable divorce is to give her .time for psychological recuperation before engaging in a new relationship

Islam goes to extraordinary care when it comes to safeguarding the rights of the innocent, namely, the unborn child. Islam mandates that while the wife is in the three-month waiting period of a revocable divorce, the husband is required to support her .as he had previously

If the wife is pregnant then the husband must continue to support her as before until she delivers the child. Likewise, in an irrevocable divorce if the wife is known to be .pregnant then the ex-husband continues to sustain her until she delivers the child

Lastly, if the couple divorce and they agree that the mother will nurse the child, then the ex-husband must continue to financially support his former wife and child up to .the weaning age of two years old, or up to whichever age the parents decide upon

Let the women live in the same style as you live, according to your means: annoy them not so as to restrict them. And if they carry life in their wombs, then spend on them until they deliver their burden: and if they suckle your offspring give them recompense: and take mutual counsel together, according to what

(is just and reasonable. (۶۵:۶

Fatma: As far as husbands are concerned, if the right of divorce is in his control, then technically he would not be required to meet a list of criteria or require assistance ?from the courts to obtain a divorce, correct

Sayyid: Technically, whoever has the right to divorce would not be required to meet a list of criteria as long as they claim a legitimate excuse for separation. Although, when divorce is sought, there are procedures that must be followed, regardless of which .party has authority

Fatma: Granting that the wife had the power of divorce, would she be limited to ?certain circumstances or reasons for initiating the divorce

Sayyid: Granted that the wife had power of divorce, and assuming that her marriage was a typical contract with no changes or clauses (such as mentioned in the chapter "Matrimonial Rights"), then the wife would be limited to only those "marital rights," and in addition, to the divorce/annulment criteria mentioned earlier, which, if they were .violated, would provide legitimate reasons for a divorce proceeding

However, the wife has means of securing her wishes. She does have options, as long as they do not transgress the laws of Islam. Let us assume that a wife does not have .the divorce right, there are still ways she can ensure her needs

She can stipulate in the marital contract, upon approval from the husband, certain criteria to which the husband must adhere, and, consequently, if the stipulations are broken then the wife will

.have the choice of continuing with the marriage or dissolving it

?Fatma: Could you give some examples

Sayyid: For example, a woman may state in her marital contract that she does not want her husband to exercise his permissible right to marry another woman while he is married to her. If he does marry then she may act upon her right to divorce him, even though the husband has the divorce right. She may be entitled to be his executor .(wakil) for initiating her own divorce through an Islamic judge

There are a variety of stipulations; it all depends on the lifestyle and aspirations of the woman. It is up to each woman to decide what is best for her. Some women note in their marital contract that they want to remain living in their homeland or continue .their education and work

Islam has given her rights and options to live her life as she pleases, if it does not go .against the injunctions of Islamic laws (shariah) and the husband agrees beforehand

Fatma: Considering that the wife may safeguard her interests by including certain stipulations in the marital contract, then what would be the point in having or not ?having the divorce right to be placed in her control

Sayyid: The difference would be expedience. If the wife has control of the divorce right then the divorce may be done promptly. She will not have to seek the courts or an imam to carry out the divorce provided that she has knowledge

.of divorce procedures and implementation

On the other hand, if the wife does not have the power of divorce, she then requires the assistance of the Islamic courts or imam to process her divorce; this will entail a .longer duration

Fatma: When a woman petitions for a divorce, would it be considered as irrevocable ?even if the divorce right was hers

Sayyid: No, it would not be considered irrevocable unless the divorce right was not hers, and she had initiated the divorce, and the husband refused, then the divorce would be considered irrevocable because she would need hakim al-sharia to process .the divorce

Fatma: If the husband has the divorce right and the wife requests a divorce because she no longer cares for him, to the extent that she despises him emotionally and physically, but the husband adamantly refuses to grant a divorce, would it be possible ?for her to divorce him

Sayyid: Based on the premise that the wife absolutely despises her husband emotionally and physically, and the situation becomes intolerable and unbearable (ause'r and haraj), then it would not be impossible. In this particular situation, the wife .will need assistance from the courts or a qualified scholar to ratify the case

In such cases the wife will most likely have to relinquish her mahr, in addition to paying a compensation for her independence. This form of divorce is called khul'a, .and it is irrevocable

It is for reasons like these that women should take extra precaution when contracting their marriage. Muslim women

.should be well informed of their rights and choices

Fatma: There are some schools of thought that require the husband pronounce the formula of divorce at intervals, once every month during the waiting period. Does this ?ruling also apply to the Ahlul Bayt school of thought

Sayyid: According to the Ahlul Bayt school of thought, this would not apply. (See (Qur'an, ۲:۲۲۹

Fatma: If a husband petitioned for a divorce that was revocable, and during the waiting period he cohabitated with his wife, would the divorce declaration be absolved ?automatically without any expression

Sayyid: If it were within the waiting period of iddah, and it is considered a revocable divorce, then cohabitating would absolve the divorce declaration without any need for .formal vocalizations

Assuming that the husband initiates the divorce, he may prevent it from being finalized. Either the husband may verbally announce or gesture that he no longer wishes to continue with the divorce (this may be done publicly, or privately with the wife), or if the couple cohabitates, then this would automatically dissolve the divorce without a

verbal remark. However, in an irrevocable divorce the couple should not have any .form of a conjugal relation until they contract a new marriage

Fatma: Witnesses are not required if the husband or wife choose to stop divorce ?procedures, correct

Sayyid: Correct. It may be done privately without any witnessing, although it would serve best for both partners that they make a public statement about their .reconciliation

Islam tries to prevent divorce by placing obstacles. When it comes

to marriage, there are no impediments. Islam encourages marriage and tries to .discourage divorce

Fatma: What are the suggestive messages behind these powerful verses regarding ?marriage

A divorce is only permissible twice: after that the parties should either hold together (on equitable terms or separate with kindness. (۲:۲۲۹

If a husband divorces his wife irrevocably he cannot after that remarry her until after (she has married another husband and he has divorced her. (۲:۲۳۰

Sayyid: These verses stand as a reminder to the husband that the wife is not a mere object to be toyed with. If he cannot appreciate her then perhaps another man may. It is also an opportunity for the woman to discover that the next husband may be .better than her previous husband

,Fatma: The Qur'an states

How can you take it [mahr] back, when you have intimated with each other, and they" ([wives] have taken from you a strong pledge." (۴:۲۱

?What does the "strong pledge" denote

Sayyid: The "strong pledge" is in reference not only to the mahr, but also, to the promise to ensure and secure the matrimonial rights and obligations in the marital contract. This verse is directed to the husband who refuses to pay the wife her .promised mahr, or has neglected fulfilling the wife's matrimonial rights

:Fatma

If a wife fears cruelty or desertion on her husband's part, there is no blame on them" (if they arrange an amicable settlement between themselves." (۴:۱۲۸

Would this verse be in regards to mubarat

?mutual dislike) divorces)

.Sayyid: This verse is regarding divorce in general

Fatma: According to some scholars, the time of probation (iddah) commences when the formula of divorce is pronounced, whether the wife knows of it or not. Does Islam ?allow the husband to divorce his wife without her being informed

Sayyid: It is almost impossible to practically implement this ruling (fatwa). Divorce is considered a joint process. In almost all cases of divorce, the Islamic judge or imam would insist on meeting with the wife to obtain her consent. Besides, the Qur'an .advises the person who has initiated divorce to leave the other spouse amicably

Fatma: Is arbitration mandatory for divorce to be finalized or is it only a (recommendation? (۴:۳۵

Sayyid: Arbitration is extremely critical as a recommended precaution in an attempt to dissuade divorce proceedings. Even though arbitration is not an injunction, its .recommended advice acts as a form of a religious obligation

Fatma: Is it necessary that the two just witnesses (adils) be familiar with and involved ?in the divorce case

Sayyid: The witnesses serve only as notarized spectators of the divorce. If needed they may be called upon as testifiers to attest to the order of the divorce. It is not .necessary for the witnesses to be a party to the divorce case

Fatma: Generally, when a man wants to divorce his wife, the imam (religious leader) is someone with whom he is familiar. How can a woman ensure that the imam is impartial, competent, and adhering to

?all the proceedings required for a rightful divorce

Sayyid: The wife has the right to choose an imam or judge that she trusts to be competent and fair. The wife also has the right to reject an imam or judge if it is .proven that he may be prejudicial or impartial in the divorce case

In conventional divorces, the imam or an Islamic court would not pursue the divorce without consulting the wife. In addition, there are some Muslim countries that require .the husband or wife to first petition the Islamic court for a divorce

Also to note, if the wife has placed conditions or modified her marital contract and the husband is not adhering to the modifications, then it will be her responsibility to secure her rights by informing the imam or the Islamic court of her contract before the divorce is finalized. Otherwise, the imam or Islamic judge will presume the norm .of a Muslim marriage and finalize the divorce accordingly

Fatma: If a husband went missing would the wife be required to have a waiting period ?before seeking a divorce

Sayyid: It depends on the circumstances and on the woman. Traditional scholars set a length of time, but contemporary scholars, based on technical advancements would .not make such rulings

Before the age of technology people had to physically travel the land in search of lost people. These days it is much easier to determine the fate of a person. With vast telecommunication systems, mechanical machines, and other resources available

for investigators, it may not be necessary to delay, suspend, or prolong the wait for .the response of a lost person

However, if a husband abandons his wife with no provisions, no guardianship, and her life becomes disarrayed and completely intolerable (ause'r and haraj), and with no .hope, then the Muslim judge or imam may promptly render a divorce decree

Fatma: Why would some scholars set a length of time before the wife could initiate divorce procedures when the husband is not permitted to leave his wife for more than ?four months without seeking her permission

Sayyid: Traditional scholars that state lengths of time are referring to husbands who are missing, not husbands who have independently abandoned or deserted their wives. However, it all depends on the wife. Every woman is different. Some women may patiently wait for their husband's return while others cannot. It depends on the .woman and her circumstances

If the wife finds her life unbearable without a husband, then she would have to take her case before the Islamic court or imam and they would closely examine her case. They may make a variety of inquires. Has the wife been left without provisions? Are her in-laws prepared to support her? They may summon and question witnesses on .her behalf and on his

They may advise her to wait patiently for some specific period of time or grant her an immediate divorce. It all depends on the circumstances and the woman. There is not just one

direct form of solving these matters. They are personal and are dealt with .accordingly, case by case

There are two main factors that Muslim judges or an imam would greatly consider before granting a divorce. One issue is the sanctity of the family, in particular if there -were children involved, and secondly, the well

being of the woman; after all, she is a human being with needs. After all things have been considered, and if the judge or imam based his conclusion on legitimate reasons, .then divorce may be rendered

Divorce and Mahr

Fatma: If the wife bases her reason for divorce on one of the criteria in the afore-mentioned annulment or divorce proceedings, will she have to relinquish some or all ?of her mahr

Sayyid: The wife is entitled to keep the full mahr unless the marriage was not consummated. If the marriage was not consummated, then she is entitled to half of .the mahr and must return the other portion to the ex-husband

It is important to note that if the marriage did not fit one of the criteria (such as unconsummated marriages) and the marriage had commenced, then the marriage .would be considered a standard or typical marriage

Then if the husband issued a divorce he cannot, under any circumstances, take back any part of the mahr. The mahr is a gift to the wife irrespective whether of the marriage continues or later dissolves. If the husband has not paid the mahr in full, then he will still be held liable for the

.remaining balance, despite the reasons for divorce

,Fatma: Regarding the verse that states

It is not lawful for you that you should take women as heritage against their will and" do not straiten them in order that you may take part of what you have given them, (unless they are guilty of manifest indecency." (۴:۱۹

?Would this verse not give exceptions to the mahr

Sayyid: Withholding payment of the mahr because the wife committed adultery may sometimes be highly contingent upon the severity of circumstances that led to the affair. Not to lessen or ignore the immoral action of adultery, but sometimes people are faced with extraordinary circumstances that require in-depth analyses of the .situation before a final judgment may be rendered

Islam states that in cases where adultery has been religiously judged then, as a reluctant means of reprisal, the husband, as a last resort, may withhold the remaining .mahr; still it is not recommended

Proprietorship

?Fatma: What is Islam's position regarding the division of matrimonial assets

Sayyid: Generally, each person reclaims whatever he or she brought into the marriage. The division of assets, therefore, should be done according to what each partner contributed to the relationship. For instance, in some

Eastern countries, the wife traditionally furnishes the home. If she divorces, she has .rights to all the furnishings she supplied

Fatma: Could the wife claim remuneration in exchange for the years of service she ?provided for her husband, such as housecleaning, cooking, and rearing the children

Sayyid: During the marriage

the wife, at any time, may request to be compensated for the work she provides domestically, including rearing the children. However, to claim remuneration without prior agreement in the marital contract, and then to attempt to claim recompense during divorce would be difficult. However, Islam recommends

that the husband bestow a gift to the ex-wife in order to ease her living conditions after the divorce, even if he had paid her the full mahr. Upon divorce, Islam advises .the husband to compensate the former wife in some manner

Fatma: What transpires in instances when a wife, in a standard marriage, for years had completely sacrificed her life, had saved and been conservative in expenditures, assisted and toiled in domestic duties, all for the sake of freeing her husband from the allotted task so that he may pursue his career and become financially successful? Does not Islam recognize or acknowledge that the wife played an important role in supporting her husband's success? In addition, would Islam not pay an indemnity for ?such sacrifices

Sayyid: It would be premature to give one direct response to the scenario you described. Such cases require an extensive investigation into exactly what was brought, accomplished, or sacrificed from the start of the marriage until its dissolution. The Islamic judge would have to investigate a variety of issues, for instance who worked and for how long, what did each partner contribute or sacrifice, who physically labored, or how were the finances handled. It all varies and it is a

.case-by-case ruling

Sometimes there are cases in which the wife assists her husband as an assistant or secretary at his office or business. The wife may request payment for such services .either during or after the dissolution of the marriage

If the wife has claimed compensation for the years she was his secretary or assistant, then she will be entitled to reimbursement according to what the husband would have paid for a hired secretary or assistant. However, if it is proven that the wife was a complete partner in the business, then, without a doubt, she will be entitled to her .share of the company

(Chapter ۴: Hijab (Veiling

?Fatma: Why are Muslim women required to cover

Sayyid: Scholars have established various explanations elucidating the subject of women covering. The two essential reasons as to why Muslim women must cover are .to protect and defend women, as well as, society

Covering is a form of protection, maintenance of chastity, and aid in the avoidance of negative temptations in society for women and men alike. When women cover, they provide dimensions of moral character and dignity, not only for themselves, but also .for society

In general, men tend to be initially inclined and instinctively attracted to the physical beauty of women. Women are also attracted to men, but in general, the physical structure of women is more personable than that of men. This is one additional reason why Muslim women are required to cover. Most importantly, however, it is to protect women from being

.victimized

It is well noted that throughout history women have been victims of physical, mental, and emotional abuse within societies. Many societies have exploited and dishonored women; therefore, Islam wanted (and wants) to shield her honor and dignity by .protecting her physical nature

Besides protecting the honor of women, Islam wants to inculcate upon men the importance of women in the sphere of life. Men are to regard women in a dignified manner and value them as equal human beings. The acknowledgment of a woman should not be based on her physical appearance or structure; respect and acknowledgment must be focused on her character, her intelligence, and her moral .qualities

The subject of covering is not as foreign as some people believe. Islam was not the only religion that required women to cover. Traditionally, female followers of the .divine books had been covering for hundreds of years prior to Islam's emergence

Many faithful women in the history of Judaism and Christianity were covered, and some women continue to do so today. Islam continued with the convention, yet it added another dimension, the philosophy which is to

(lower their gaze: yaghzuzna min 'absaarihin." (۲۴:۳۰"

This can be interpreted as showing respect and modesty in all aspects of one's mind .and body

Fatma: Some claim that the Qur'an does not explicitly mandate women to cover, or that the doctrines are obscure and open to individual discretion. What exactly does ?the Qur'an state regarding the dress code for Muslim women

Sayyid: There are two verses in

the Qur'an that explicitly order and specifically state the particulars of a woman's dress. It may also be corroborated by examining the numerous traditions of the Prophet that describes the particular attire for covering. The first verse introduced is :as follows

Say to the believing women that they should lower their gaze and guard their modesty; that they should not display their beauty and ornaments except what must ordinarily appear thereof; that they should draw their veils [khumur] over their bosoms and not display their beauty except to their husbands, their fathers, their husbands' fathers, their sons, their husbands' sons, their brothers or their brothers' sons, or their sisters' sons, or their women, or the slaves whom their right hands possess, or male servants free of physical needs, or small children who have no sense of the shame of sex, and that they should not strike their feet in order to draw .(attention to their hidden ornaments (۲۴:۳۱

The word "veil" is been translated from the Arabic term "khumur," and khumur is a .particular item used for covering during the Prophet's time

:The second tradition

O Prophet! Tell thy wives and daughters, and the believing women, that they should cast their outer garments [julbab] over their persons when abroad: that is most (convenient, that they should be known as such and not molested. (۳۳:۵۹

Outer garments," in this verse is translated from the Arabic word "julbab." Julbab was" also another clothing article used for covering during the Prophet's time. The Qur'an also gives an

:account on the criteria for uncovering

Know that women advanced in years, who no longer feel any sexual desire incur no sin if they discard their outer garments, provided they make not a wanton display of (their beauty: but it is best for them to be modest. (۲۴:۶۰

?Fatma: Could you describe the specific garments of julbab and khumur

Sayyid: Julbab was an article worn over the clothes during the time of the Prophet. The likeness of it today would be an overcoat or a loose, long dress. Khumur was a loose scarf used during the time of the Prophet, but women wore it inappropriately. Women then only used the khumur for covering their hair while leaving their bosoms exposed. When Allah requested believing women to "draw their veils [khumurihin] over their bosoms," He wanted them to not only cover their hair, but also wrap the .scarf around their bosoms

Fatma: The term "hijab" is not used in reference to ۲۴:۳۱ and ۳۳:۵۹. Yet, Muslim scholars relate these verses in accordance with the attire of hijab. How is hijab defined and ?used in the Qur'an

Sayyid: The word hijab in Arabic means to curtail, detain the vision or scene, or act as (a barrier, like a curtain. It has been used several times in the Qur'an.(۱

When you ask his wives for anything you want, ask them from a screen: Wa 'izaa" (sa-'altumuuhun-na mataa-'an fas-'aluuhunna minw-waraaa-'i hijaab." (۳۳:۵۳

The word hijab has been applied toward Muslim women who adhere to

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.Qur'an, ۷:۴۶, ۴۲:۵۱, ۳۸:۳۲, and ۴۱:۵ -۱

the practice of hijab, which entails covering or curtailing the body by wearing an outer garment over the clothes that covers and prevents viewing the shape of their bodies .and hair

The authentic attire for a Muslim woman is to wear a loose clothing article that covers the entire body from the face line to the wrist and falls below the ankles. She is not to .wear any article that is form fitting, reveals contours, brightly colored, or transparent

?Fatma: Why do you suppose veiling has been significantly limited

.Sayyid: The Qur'an explains it with valuable reasons

"(That they should be known as such and not molested." (۳۳:۵۹

When a woman covers, her attire speaks on her behalf. Indirectly it implies that she does not want to be approached indecently. It also serves as an acknowledgment of .her Islamic identity

Fatma: Prior to the particular verse that required women to cover, the Qur'an makes .a relevant point

Say to the believing men that they should lower their gaze and guard their modesty:" (that will make for greater purity for them." (۲۴:۳۰

Sayyid: Not only is it a relevant point, but also a pertinent declaration. Before the Qur'an advanced the required dress for Muslim women, Allah addressed the men first, in that they are the ones who should first lower their gaze and guard their .modesty

Fatma: "Lower their gaze." Does this signify a metaphorical or literal directive for ?men

Sayyid: It signifies both. The ideology behind this verse is that women are to

be revered. Women are not to be regarded or intentionally looked upon in an ill manner. Men are to be respectful. This verse denotes that men should not deliberately think or look at women in a lustful manner.

Islam regards women as an integral part of life. The Qur'an continuously iterates that women were created from the same essence as men, which also serves as a reminder that women are not inferior.(1) According to Islam, women and men are equal in their creation; hence, they require the same respect and acknowledgement.(2)

Nevertheless, some societies regard veiling as subordination or as a form of degradation for women. Objectively, if one questions the portraying of women in some societies, in particular Western society and how women are depicted in the media, establishments, and advertising industries, would one rightfully conclude that women are being liberated in a humanitarian way?

Is this what we want to teach our daughters, sisters, or wives, that the only way for them to be recognized and worthy of is to be exploited? Unfortunately, emphasis is being placed on the physical features of a woman rather than her character and intelligence. I believe that this is truly a form of subordination, degradation, but mostly, it is insulting to women.

Islam does not consider women as mere entertainment. Islam values women. By covering the physical beauty of women, Islam has invited men to recognize their intelligence, character, and spirituality.

Fatma: Were most Qur'anic injunctions originated by actual events, such as the order

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۱- Qur'an, ۴:۱, ۵۳:۴۵, and ۴۶.

۲- Qur'an, ۳:۱۹۵.

?for women to cover

Sayyid: Many of the injunctions that are stated in the Qur'an were not necessarily as a result of certain incidents or predicaments. For over twenty-three years, Islam was slowly introduced into a society as a guidance for humanity. Guidelines, .recommendations, orders, and laws emerged throughout these years

Considering that the particular society in which the Prophet lived was lawless and in need of direction and reform, such changes could not simply have been done in a short time. Islam was dealing with a society that had been accustomed to their .traditions for centuries and deliberated the changes with caution

In some instances, the Qur'an would intermittently touch upon a matter and mention it in a way to draw attention to it. In some instances, the Qur'an made advantage of incidents as preludes to introduce certain laws or revelations, such as the incidents in .the market that instigated laws of trade

Sometimes, the Qur'an would introduce a resolution that ultimately would lead to an injunction. Take for example, the drinking of alcohol. Islam wanted to abolish alcohol consumption completely, but it had to gradually introduce its prohibition into a society .that was accustomed to drinking

Initially, the Qur'an mentioned that when a Muslim stood before prayers, their mind should not be intoxicated. Then, ultimately, the Qur'an prohibited alcohol completely. Then there were laws that were ordained, but later abrogated. There are a variety of reasons as to why certain ordinances were applied, but not all of the injunctions resulted

.from particular incidents

The verses that requested Muslim women to cover were instigated by incidents (but did not necessarily originate with the incidents themselves). The verses were predetermined, but the occasions introduced them.

The incident that generated the first revelation regarding the covering of women was of a young man who was overtaken by the beauty of a woman passing by him. While looking at her, he walked into a wall and cut his head on a protruding object.(۱)

The second incident occurred in the Medina market between a Jewish merchant and a Muslim woman patron. Apparently, her dress was revealing parts of her bosom that enticed the merchant to harass her provocatively.

Fatma: The Qur'an applies the words "julbab" and "khumur" in describing the form of attire for covering, but the word "hijab" is used in describing the form of covering for the wives of the Prophet.

"When you ask his wives for anything you want to ask them from before a screen." ((۳۳:۵۳))

Some scholars have applied this verse as a form of covering, which includes the face and hands for all Muslim women. Does the verse only pertain to the Prophet's wives or all Muslim women?

Sayyid: Although some scholars believe that verse ۳۳:۵۳ may be applied to all Muslim women, the consensus of scholars is that the verse refers to and addresses the wives of the Prophet only.

Scholars describe a series of events that surrounded the Prophet as reasons for the aforementioned verse. Enemies of the Prophet,

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۱- Usul al-Kafi, v.۵, p. ۵۲۱. In relation to the Qur'an ۲۴:۳۱.

during his lifetime, continuously mocked and teased him by suggesting that when he dies they were going to marry his wives. This disturbed the Prophet. Thus ensued the .dissension of the verse

However, the idea behind the verse is to protect a woman from being perpetrated as .an object of a man's desire

Ask them from a screen; that makes for greater purity for your hearts and theirs."" ((۳۳:۵۳

The details of the verse may be ideal and realistically used in some societies where .women are still being victimized or judged by their physical appearance

Fatma: Nevertheless, there are some scholars who recommend that in certain societies women should cover completely. Would this not go against the ideology that men should "lower their gazes" and not think of women in an ill manner? How are men to learn and practice this idea if Muslim women are continuously asked to cover ?extensively

Sayyid: Most scholars do not advocate the extent of such practices (complete covering). Certainly, it would be optimal if all men adhered to the teachings and principles of Islam, but it may be very challenging. Men, in general, are physically attracted to the sight of women, and for some men, one way to curb this attraction is .to conceal it

Fatma: You mentioned the basic criterion for the dress code is from the foreline of the face, to the wrist, and to below the ankles. Is this how scholars define the verse that states

What must ordinarily"

(appear"? (۲۴:۳۱

Sayyid: Although the Qur'an does not mention the specifics of "what must ordinarily appear," Ahlul Bayt scholars have made extensive studies of the Prophet's traditions and the imams of Ahlul Bayt, which generally state the areas that are permitted to be (uncovered, are the feet, hands, and face.(۱

Fatma: Why was the face not included since it can be one of the most attractive ?features of a woman

Sayyid: The uncovering of the face is a form of identification. The face needs to be recognized; in addition, the woman needs to see and converse. The cause for the .hands and feet to be uncovered is mainly for mobility

Fatma: Some scholars have made it incumbent upon women to cover the soles of ?their feet. Why is that

Sayyid: Scholars who make such rulings are relying on traditions that claim a woman should cover the soles of her feet because most of the traditions regarding covering exclude only the face and hands from being covered. Additionally, there is an authentic tradition that states when there is doubt about a particular matter then .precautionary measure (ihtiyat) is advised

,Fatma: The Qur'an states

That they [women] should not display their beauty and ornaments except what must" (ordinarily appear." (۲۴:۳۱

Then, the Qur'an goes on to mention which people are allowed to see the woman unveiled. However, Allah seems to be revealing varying degrees of dress regarding certain people in relation to the woman. Could you explain the varying degrees of dress for a woman

.Usul al-Kafi, v. ۵, p. ۵۲۱. Wasail Al-Sh'iah, Book of Nikah, c. ۳۶ and ۱۰۹ -۱

?in front of other people

And say to the believing women that they should lower their gaze and guard their modesty; that they should not display their beauty and ornaments except what must ordinarily appear thereof; that they should draw their veils over their bosoms and not display their beauty except to their husbands, their fathers, their husbands' fathers, their sons, their husbands' sons, their brothers or their brothers' sons, or their sisters' sons, or their women, or the slaves whom their right hands possess, or male servants free from physical needs, or small children who have no sense of the shame of sex; and that they should not strike their feet in order to draw attention to their hidden ornaments. And O ye Believers! Turn ye all together toward God, that you may attain (Bliss. (۲۴:۳۱

Sayyid: Your observation is correct. The verse has varying degrees of dress for a .Muslim woman in relation to others

Imam Muhammad Al-Baqir(۱) explained that there are three classifications or levels for displaying a woman's ornament (ziina) —meaning her physical features. The first ornament is for the public or strangers. The second level is for the immediate family members, such as the father, brother, or son. The third classification is for the (husband.(۲

If a Muslim woman is in public encountering or associating with men then she is required to cover by the example given of the julbab and khumur attires. Areas that she is not required to cover when in public are the

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۱- Imam Muhammad Al-Baqir was the fifth Imam of Ahlul Bayt and successor to the .Prophet

۲- Mustadrak Al-Wasel, Intro. for Nikah c. ۸۵, v. ۳.

.hands and face

When a woman is at home and among her immediate family members, or only females, she is to be modest in her attire. For example, her clothing apparel should cover the areas of the upper chest to below the knees. Even though she may be among her father, sons, brothers, or females, she should still be moderate in her .dress

When she is in private quarters with her husband, she should be uninhibited and free .to reveal any part of her body in front of her husband

Islam believes that women have two sides; one is humanitarian and the other is feminine. Islam wants women to reveal their humanitarian qualities among the public. .The Qur'an makes an allegorical statement regarding this point

They should not strike their feet in order to draw attention to their hidden" (ornaments." (۲۴:۳۱

Not only is a Muslim woman required to cover herself physically, but she should behave accordingly as well. Covering is only one aspect of hijab; another factor is her .demeanor

Fatma: Does the Qur'an mention what sort of punishment awaits a Muslim woman if ?she does not adhere to hijab

,Sayyid: After the Qur'an mentions the covering of women it concludes with

O ye Believers! Turn you all together toward God, that you may attain bliss: wa " (tuubuu 'ilal-laahi jamii-'an 'ay-yuhal-Mu'-minuuna la 'al-lakum tuflihuun." (۲۴: ۳۱

Tuubuu comes from the word inebba, which means going back or turning back. It has a very significant meaning to this particular verse in that

Allah invites faithful women to turn humbly toward Him, to sincerely abide to His .commandments, hence that they may attain righteousness and become prosperous

?Fatma: Do you believe that hijab has become a testimonial of a woman's faith

Sayyid: For some women it has become a testimonial factor of their faith; in particular, women who live in Western societies or in countries that claim to be Muslim yet have banned hijab. The practice of hijab for some women who live in such societies has become a symbol of their religious faith; an emblem of religious pride based on firm convictions of their faith. Furthermore, hijab has become a means of .preserving their Islamic identity

?Fatma: Could you discuss the parameters of a Muslim woman beautifying herself

Sayyid: There is no limit for a woman to beautify herself for her husband; in fact, it is highly encouraged. However, when she is out in public she should be natural, with the .exemption of two items in which may be added for health benefits, khoel and henna

Khoel is a natural black substance that resembles black eyeliner. It is used around the eye as a remedy to strengthen eyesight. Henna is a natural dye substance that is used to enhance skin tone and hair texture. Henna, however, cannot be exposed .publicly in the form of tattooing or decorative body art

Fatma: Some scholars have ruled that jewelry is forbidden for a woman to wear. Are the reasons that

They should not strike their"

(feet in order to draw attention to their hidden ornaments"? (۲۴:۳۱

Sayyid: This verse is metaphorical in that any means of intentionally attracting, provoking, or enticing men is forbidden for women to do, whether it be by her .clothing, jewelry, make-up, or mannerisms

Yet, if a woman wears excessive or extraordinary jewelry in public then it would be forbidden. The consensus of the scholars is that a woman may wear basic jewelry, such as her wedding ring and an ordinary watch. Nose rings, bracelets, charms, and .necklaces should not be displayed in public

?Fatma: What are the rules regarding men's attire

Sayyid: Interestingly, before the regulation of women covering, Allah addressed the .men

Say to the believing men that they should lower their gaze and guard their modesty:" (that will make for greater purity for them." (۲۴:۳۰

Rules of modesty are equally applicable to men. When men are aware that their body structure has become a form of attraction for women then they must adhere to the .spirit of the verse

Fatma: But a man's form of dress is not defined by boundaries like that of a woman. ?Why

Sayyid: Men do, in fact, have regulations concerning their attire. They do have a limit on covering themselves when among women. They must be covered from the chest .to below the knees. The clothing is not to resemble that of women's attire

A man's clothes cannot be tight, revealing, or enticing. Scholars add that if a man becomes aware that his body is

attracting women then he must cover. It becomes incumbent upon him to dress .properly. It is forbidden for men to wear silk and gold, as well

?Fatma: Why was the Qur'an silent on the dress regulations for men

Sayyid: Traditionally, in the pre-Islamic era, men in that society did cover, while, generally, women did not. When Islam advanced it made changes in areas that needed reform. During that era, men were already dressed appropriately; hence, the Qur'an was not going to direct a particular issue when it was already being practiced. However, the traditions of the Prophet still mention the criteria regarding men's .apparel

Fatma: But most Muslim men do not recognize that they are obligated in any way to .cover

.Sayyid: This is because they are unaware of the laws and practices of Islam

Chapter ۵: Child-Custody

?Fatma: What is Islam's view on child custody

,Sayyid: The Qur'an advises couples accordingly

(Take mutual counsel together, according to what is just and reasonable." (۶۵:۶"

Granting that couples cooperate and come to a mutual agreement on what is best for .their children then Islam would support it

The issue of child custody is not fostered on gender; it is based on the capability and suitability of the parent; that is, which parent is better prepared to raise the children. When parents cannot agree on settling the issue of custody, then in most cases, the .father would obtain custody of the children

Again, this is conditional based on the premise that the father was religious

and morally qualified. Otherwise, the children may remain with the mother, and the .father must continue to financially support his children

If the father were granted custody of the children, it would not mean that the mother would be denied seeing the children. The mother would continue to have access to her children. A father could never deny a mother the opportunity to be with her .children

Fatma: What is the consensus among scholars on the age criteria of children when ?parents cannot agree on custodial rights

Sayyid: There is no consensus among the scholars, but the general rule among the scholars is that when parents separate and they cannot agree on the issue of custody, then the mother would attain custody of the boy until the age of two and the daughter until the age of seven. However, this rule is conditional and dealt with .accordingly, case by case

If both parents were faithful and honorable, then the Islamic judge would order the first few years of the child's life to be with the mother. This is an essential developmental time for a child, and the parent that best fits in catering to the needs of a child during those years is the mother. In most cases girls, because of their natures, .are entitled to be in the care of their mothers for a longer period than boys

Fatma: Would Islam consider the child's preference of which parent they would wish ?to live with

Sayyid: If the child had reached the

age of maturity, and was responsible in determining what was best for their well .being, then the Islamic judge would consider the child's preference

Fatma: Considering both parents were qualified religiously, morally, and financially, and each parent wanted custody of the children, how would Islam normally deal with ?such cases

Sayyid: Presuming that both parents wanted custody of the children, and both were qualified in the areas you mentioned, the father would attain financial and custodial .rights of the children

There are many reasons as to why Islam has held the father to be the legal guardian of the children —the most critical of which is remarrying. In most cases, after couples divorce they remarry. The chances of a man remarrying with children are much better .than a woman with children

As unwarranted as it may be, the children may become an impediment to the woman trying to remarry. Scholars also take into consideration that if the children are brought into the home of another man they may not be fully accepted. Reasons such as the ones mentioned, are an attempt to preserve and safeguard the children as well as the .parents

:Fatma

Mothers shall give suck to their offspring for two whole years if the father desires to" (complete the term." (٢:٢٣٣

Is the Qur'an implying that the father has the decisive right of whether or not the ?mother will nurse the child

Sayyid: In the original text of the Qur'an, which was written in Arabic, the Qur'an

states that both parents must mutually agree to complete the feeding term, not only .the father

?Fatma: What would be the grounds for the mother to be granted full custodial rights

Sayyid: There are many reasons. For example, any form of cruelty, violence, neglect, or mistreatment of the children on the father's part would affect this decision. Furthermore, if the father were morally corrupt, irreligious, or indecent — these .would also be decisive factors

Fatma: In some instances where a father has died, the paternal grandfather attempts to claim custodial rights of the children. Does Islam permit the grandfather the right to take possession of the children while the mother is present and capable of raising ?them

Sayyid: In the absence of the father, Islam permits only the paternal grandfather, if he chooses, custodial rights of the children. However, if the mother is financially and ethically capable of raising her children, without any form of negligence, then she may petition the Islamic courts or take her case to a religious scholar to secure the custody .of her children

Chapter ۶: Testifying and Judging

Fatma: In all Qur'an verses regarding testimony or witnessing the mention of a "one man, two women" policy is only regarding transactions. All other related verses are general and state two witnesses with no references of gender made.(۱) The prolonged verse on testimony is directed at transactions of business affairs. Why is ?the ratio scaled, and would this be the case for all witnessing or testifying

And get two witnesses, out of your

۱- Qur'an, ۶۵:۲, ۵:۱۰۶, and ۴:۱۵.

own men, and if there are not two men, then a man and two women, such as you (choose, for witnesses, so that if one of them forgets the other can remind her. (۲:۲۸۲

In addition to that, there seems to be an exception to the ratio where the testimony of women is equal to that of men, in fact, it rebuts and overrides the testimony of a .husband accusing his wife of adultery, hence vindicating her

For those who launch a charge against their spouses, and have no support or evidence but their own, their solitary evidence can be received if they bear witness four times with an oath by God that they are telling the truth; but it would avert the punishment from the wife if she bears witness four times with an oath by God that her (husband is telling a lie. (۲۴:۶-۸

Sayyid: Although the Qur'anic references you cite do not mention the ratio of witnesses, most of them are mainly governed and restricted to the legislated verse in .۲:۲۲۸ that mentions the ratio

Nonetheless, there are some cases or issues that require the expertise, knowledge, and experiences to which only women can testify. A woman's testimony or witnessing .is not always or necessarily in the ratio of "one man-two women" in all cases

When it comes to women's issues such as menstruation, pregnancy, marital consummation, or childbirth, Muslim scholars or judges will, in most cases, agree that .a woman's testimony takes precedence over that of a man

Concerning

the verse on transactions, generally in the past, women were not as familiar with contracts and negotiations as men. Business was a man's profession. Men were more informed and experienced in commercial trade, transactions, loaning, and so forth. In general, men knew more about business than women, hence the ratio of two women as testifiers was mainly based on a woman's inexperience in transactions, not on her .ability, intelligence, or lack of trust

(And get two witnesses out of your men." (۵:۱۰۶"

The Qur'an is strict when securing transactions, one man is not sufficient for a transaction to be binding; it requires two men. Again, it is not gender based. Imam Sadiq said, "A

person who wishes to engage in business, should learn its rules and laws, and if he makes any transaction without learning them, he may suffer because of entering into (a void or doubtful transaction." (۱

Regarding your second point, the verse that could refute the husband accusing his wife of adultery is not related to testifying or witnessing. It serves as a means of self-.defense

Fatma: Based on your explanations that women in the past were inexperienced in business dealings. Yet, in our time, women are graduating with degrees in business and becoming very prominent in the field. Would this rule still apply to those women ?whose profession is business

Sayyid: Islamic injunctions conform to the standards of society, not to the exceptions. Agreeing with your point that women are becoming professional businesswomen, be that as it may, Islamic

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۱- Usul al-Kafi, Mu'aMalat.

rules cannot be overturned simply because some women are becoming experts in .certain fields

Muslim judges are extremely cautious when investigating, examining, and interrogating witnesses. Given a scenario in which a professional businesswoman was the testifier in a business dispute, then the Muslim judge may consider her testimony by examining her credentials, experience, knowledge, and credibility in the matter, just as he would if she were a man, furthermore, because she is an expert in the field, her testimony may be tantamount to that of a man. Yet, scholars would not alter the .rules of ratio in witnessing, although they may consider exceptional cases

Fatma: But the general clause of "one man-two women" would still stand as an obstacle for those women whose expertise would have to be contested in order to prove their legitimacy, as opposed to men who initially do not have to validate the .extent of their expertise or knowledge

Sayyid: In Islam there are numerous subjects governing litigation such as commercial laws, criminal laws, civil laws, family laws, and so forth. Defining the religious formality of each area would not only divert us from the main issue, but would require writing several books on the subject. To answer your question accurately, to a certain extent this may be the case in some instances and for others it may not apply. It all depends .on the case and the circumstances surrounding it

Most importantly, when it comes to witnessing or testifying, regardless of the gender or

suit, the parties that are involved in the hearing would be thoroughly scrutinized; .therefore, the testifiers will be contested in order to prove their legitimacy

If the judge proved that the testifiers were incompetent or unreliable, irrespective of whether the testifiers were several men, or the judge suspected uncertainty, then the judge would disregard all of their testimonies. Again, it is not merely gender based; .credibility also plays a significant role

Fatma: It seems that most of the injunctions, exclusions, and guidelines for women in Islam appear to encircle their dispositions —their physiological and psychological states. Islamic scholars attempt to justify the logic of the rules or guidelines as being based on a woman's nature, in particular with the injunctions on witnessing or judging .matters

Islamic scholars claim most of a woman's judgments are governed by her emotions, such as a female's fluctuating mental and emotional states before or during menstruation and stages of pre-and post-natal pregnancy, as justification to the status quo on witnessing or exclusions to judge. Since you have clarified that testimony is heavily dependent upon the case and credibility of the individual, not necessarily gender in all cases, could you then elaborate upon the subject of women ?judges in Islam and the claim of emotionalism

Sayyid: Let me share with you a story. Years ago, when I lived with my parents and siblings, one night we heard an intruder in one of the back rooms. When we went to investigate, we found a young man in the

process of stealing our television. We caught him and wanted to call the police when .he began to sob and cry that if we turned him in he would be sent to prison

Upon hearing his weeping, pleading, and apologies, my mother who had witnessed the whole incident felt compassion and sympathy for him. She appealed to us not to call the authorities and to release him. Although, my brothers also felt sympathy for him, they knew that his actions had consequences for which he should be .accountable

The story is not related to our discussion; nonetheless, the incident demonstrates well the sensitive qualities of women, in general. Emotional qualities of women are not a mark of perceptual incompetence or limitation of intelligence. In fact, the emotionalism of women is complimentary and an integral feature of her well being. It .is also essential for the contentment of the family and social welfare

As I mentioned, the emotional features of a woman is by no means a deficiency in her creation, but in some instances, and in some women, her emotionalism may be too overwhelming to contain, or it may become difficult to manage. Take, for example, .acts of atrocities, violent murders, or combats of warfare

These are very serious matters; even some men are not capable of handling or judging them. Again, in most instances, it would be very difficult for women to deal with these issues. Scholars state that men are usually better than women at handling .these situations

Therefore, in some areas of judiciaries, male judges would be better suited to .administer to such matters

Regarding women being judges, there are female Muslim judges presiding over .cases. Women in Islam are not exempt from becoming judges in certain courts

Fatma: An 'Alim is one of the highest levels of Islamic leadership and a Mujtahid is an Islamic research scholar. Could a Muslim woman ever become a 'Alim or Mujtahid, and could you support your response with any sources from the Qur'an or traditions ?of the Prophet

Sayyid: "Seeking knowledge is incumbent upon every Muslim, male and female," said the Prophet. Note how the Prophet solidifies the tradition by stating the genders individually. A 'Alim is someone who has reached a high level of Islamic study, and becoming a 'Alim is acquiring knowledge. Knowledge is limitless and never gender .based

Ijtihad is the highest religious degree in Islamic study. When a person reaches the level of Ijtihad, then that person is referred to as a Mujtahid. A Mujtahid is one who is capable of deducing commandments and religious injunctions from their original sources such as the Qur'an and traditions of the Prophet. Many Muslim women have .reached the level of Ijtihad

There are many prominent Muslim women Mujtihads who are professors in Islamic seminaries, educating collegians on Islam, and authoring books on Islamic .jurisprudence, as well

A female Mujtihad is not something unprecedented. The daughter of the Prophet, Fatima was one of the most knowledgeable person concerning Islam. She taught .others about Islam

Notable companions of the Prophet used to consult Fatima on religious matters. Fatima's daughter, Zaynab also taught in the city of Kufa. Zaynab, like Fatima, was .well known as a distinguished religious scholar

Chapter ۷: Disciplinary Action

As for those women whose recalcitrance and offensiveness you have reason to fear, admonish them, and refrain from any contact with them, and wathrebuhun(۱) them if this becomes unavoidable and fair to prevent very serious harm caused by them against themselves or others; but if they want to keep you company, do not try in any (way to be unfair or harmful to them. (۴:۳۴

?Fatma: Does Islam condone physical punishment

Sayyid: Islam does not advocate or promote physical punishment. Islam encourages .mutual cooperation, respect, and compassion within a marriage

The Prophet once said, "I am astonished at a man who beats his wife, whereas it is he (himself more than his wife who deserves beating."(۲

One should never torture one's wife physically or otherwise, because whoever does" (so has violated the norms set by the Almighty and his Messenger," said the Prophet.(۳

How does anyone of you beat his wife as he beats his stallion and then embrace" (her?" said the Prophet.(۴

The Prophet, who was a prime example of ethical leadership, never struck any woman, animal, or any person who was aggressive toward him. Aisha, wife of the Prophet, once said, "The Prophet never hit a servant, or a female, or anyone else, (except in performing jihad (defending Islam)."(۵

Fatma: Referring to the sensitive

۱- Described by the Prophet as a light tap.

۲- Bihar Al-Anwar.

۳- Irshadul Qulub.

۴- Sahih Al-Bukhari.

۵- Al-Tabaqat Al-Kubra, v. ۱, p. ۳۶۸.

verse you lightly touched upon, "wazribuu-hunn" (a light tap) in "Matrimonial Rights," you explained earlier some of the reasons and under which circumstances this rule may be applied. You briefly mentioned that a woman could impose the same infliction upon her husband by administering the sentence through the Islamic courts. Could ?you elaborate on this subject

Sayyid: The Qur'an does not promote disciplinary action as the first or only means of reform, or as an obligated rule. The Qur'an states two important actions that must be taken beforehand. In the final juncture, disciplinary action should be administered .only if it may be foreseen as a means to end the problem

It is also important to note that this rule is applied only to adverse and consequential situations that pose a danger to the sanctity of the family. The precept must not be used in cases of typical or expectant disagreements that arise normally during a .marriage

The Qur'an does not mandate that one must implement this rule; this is not an obligatory injunction. The Qur'an advises the husband or wife to take initial steps to amend the situation by admonishment, seeking family intervention, and professional or religious counsel for the disobedient partner. Secondly, if the problem continues, then physical association should be suspended by the example given of not sharing .the bed with the spouse

After all measures have been explored and exhorted, and the situation continues, and if it may be conclusive that reprimanding may be a form

to solve the predicament, then it may be administered. However, there is a difference .between which spouse executes the action

The Qur'an permits the husband as the executor of the verdict, but rightfully remains silent about the wife implementing the action on the husband. This does not mean, .however, that husbands cannot incur the same ruling

Islam advises the wife to pursue the sentence through the Islamic courts. The Islamic courts have the authority to physically reprimand husbands. Islam does not want wives to physically encounter their disobedient husbands since the men may become .violent toward the wives

?Fatma: What degree of infliction is permitted

Sayyid: The method and measure of administering this sentence is strictly regulated. The action must not be more than a light tap. The tap should not leave any physical marks, bruises, or broken bones. If the action incurred such marks, then the person reprimanding must pay an indemnity. The Prophet said, "O people, do not beat your women with sticks because such an act has reprisal [Qisas]."(١)

For some people, a minor disciplinary action may deter their misbehavior while for others it has no effect. If the partner foresees that reprimanding would not have an effect on resolving the situation then it is best to divorce instead of prolonging and .aggravating the situation

Fatma: You cite that under "adverse and consequential matters and as a means to reform the situation if the partner is open to change then disciplinary action may be sought." Yet, the

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١- Bihar Al-Anwar.

manner of judgment, “a light tap,” seems to be comparative considering that the partner is radically misbehaving; generally a light tap may not be instrumental. Why ?do you suppose that the Qur’an makes it a point to incorporate such an injunction

Sayyid: Scholars deem that marital relationships should be unfettered from any form of physical punishment. However, to punish lightly could be as a form of bringing about a sense of shame, embarrassment, or belittlement. Sometimes people who behave erratically seem to be immune or less intuitive to their actions. Sometimes, and for some people, they need to be reminded — awakened in a manner which .might rekindle their inner consciousness in realizing the severity of their actions

Fatma: I have read in some Islamic literature that, if a wife refuses her husband ?conjugal rights, then he may implement his disciplinary right to reprimand her. True

Sayyid: This is not a valid justification for disciplinary action. The only occasion when physical disciplinary action may possibly be administered is when the situation poses dire consequences to the individual, the partner, or the family, and may be foreseen as a means to end the problem. Most scholars recommend that husbands seek assistance from the Islamic courts rather than resorting to the physical infraction in .an attempt to resolve any situation

Fatma: You discussed in “Matrimonial Rights” that men and women are equal in condemnation; however, the Qur’an states that if a woman is convicted of lewdness, then her sentencing would be home imprisonment

.until death

Yet if the man is guilty of lewdness, then repented, and amended his way, then he was left alone. Could you explain this matter?(۱)

Sayyid: This verse was later abrogated in the Qur'an. The sentencing for fornication and adultery is equal concerning men and women.

Chapter ۸: Polygamy

If you fear that you cannot act equitably toward orphans, then marry such women as seem good to you, two, and three, and four; but if you fear that you will not do justice between them, then marry only one; this is more proper, that you may not deviate from the right course. (۴:۳)

Fatma: How does Islam justify polygamy?

Sayyid: Scholars have a variety of reasons justifying polygamy, such as a woman's inability to continuously provide her husband with conjugal relations during times of menstruation, pregnancy, or a wife's barrenness. Scholars also cite the disproportion of marriageable women compared with the availability of marriageable men.

Although, the described reasons may be manifested to a certain degree, still they do not facilitate the true nature of polygamy. Polygamy may be an option [a solution] for certain people, male and female alike, or in specific cases, or for future situations.

Often times, when polygamy becomes the subject of discussion, it is criticized. Polygamy is not an obligated rule; it is a permissible act. The unsurpassed and most productive of all marriages are monogamous, and most Muslims practice monogamy. Contemporary scholars do not recommend or encourage polygamy, but still it is available to be utilized

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۱- Qur'an, ۴:۱۵-۱۶.

.as a solution if people are faced with extraordinary cases or circumstances

For some people, or in some circumstances, polygamy might serve as a remedy. For example, in some countries, the stigma of a widow or a divorced woman may be a deterring factor in remarrying. Conventionally, men who marry for the first time will ?not marry such women. Given the circumstances, what would be the best solution

Do these women remain unmarried for the rest of their lives? What if there were ethical and financially capable men who wanted to sincerely shelter and protect these ?women? Would this not be considered a noble act

Fatma: Critics often cite that Islam favors polygamy as a continuation of male .dominance, tyranny, and lechery

Sayyid: Such comments are baseless and contradict the principles of Islam and the intended purpose of polygamy. Islam objects to any man who practices polygamy as .a means to exploit women for his personal enjoyment

Islam was not the initiator or promoter of polygamy. Polygamy was being practiced long before the existence of Islam. Jews, Christians, and many other cultures practiced polygamy, and some still continue to do so. Famous prophets practiced polygamy, such as David, Solomon, and Abraham. In fact, Islam was the only religion .that restricted and regulated polygamous marriages

?Fatma: What are the restrictions governing polygamy

Sayyid: Before the advent of Islam, polygamy had no limit on the number of wives, and the wives in polygamous marriages were often inequitably treated. When Islam made its

:ruling on polygamy, it restricted it to include three criteria

.It is not for every man .۱

.The limit is four wives .۲

.The wives must be treated equally .۳

If you fear that you will not do justice between them, then marry only one; this is“ (more proper.” (۴:۳

Islam made it incumbent upon the husband to solely sustain and maintain his wife financially. As I mentioned earlier in “Matrimonial Rights,” the husband is the exclusive provider for his family. Not every man is capable of providing and maintaining .financial sustenance for one woman, let alone several, in addition to all of his children

Marriage requires financial security, and if a man wishes to practice polygamy, then he must be capable of providing an equal livelihood for his families, such as similar homes and financial disbursement. Otherwise, he is not permitted to marry more than .one woman

Beside the financial aspect, Islam also established rules of behavior for polygamous marriages. There are numerous guidelines that state the particulars of behavior. For instance, the husband’s time must be equally distributed among the wives; he spends .his nights and days equally between the wives

If the husband takes one wife on a vacation or a trip, then he is required to take the others at intervals as well. If the husband provides a gift to one of his wives, then he .must present the other wives with gifts of equivalent values

Polygamous marriages in Islam are based on the

fundamental principle of equality; therefore, favoritism, privileges, or neglect in any manner from the husband toward the wives is not permitted. Traditions of the Prophet give fair warning to polygamous husbands who do not practice equal justice .and fairness between the wives

Fatma: What about the emotional aspects of couples? How does Islam manage to ?regulate emotional fairness in polygamous marriages

Sayyid: When the Qur'an makes its point on incorporating justice in polygamous marriages, it is referring to materials and behavior. The husband must accommodate .each wife with an equivalent lifestyle and treat each one amicably

As far as emotions are concerned, they arise subjectively, rather than through .conscious effort. However, the Qur'an does refer to this point

You are never able to be fair and just as between women, even if it is your ardent" (desire." (۴:۱۲۹

An emotional feeling is a state in which humans have no authority, and the Qur'an affirms this. Although, humans may not have full control of their feelings, they do, however, have full authority over their behavior. A husband in a polygamous marriage must not openly display his emotions among the (favored) wife or behave in a manner .that reveals his heart is more inclined toward one of the wives

?Fatma: What is the correlation between orphans and polygamy

If you fear that you cannot act equitably toward orphans, then marry such women as seem good to you, two, and three, and four; but if you fear that you shall not be able to deal

(justly with them then only one. (۴:۳

Sayyid: It was customary in the pre-Islamic era for men to foster orphaned girls. Traditionally, if orphaned girls had any means, then the fostering men would marry them and acquire their possessions. Too often, these husbands mistreated and reneged paying orphaned wives their mahr [the marriage gift]. After the advent of Islam, Allah banned such practices and introduced a correlated degree of treatment .[between orphans and multiple wives [polygamy

The essential point regarding this verse is that, in the English translation of the Qur'an, the excerpt "to deal justly" is mentioned twice in the same fashion. However, in the Arabic text, two different words are used to explicitly define a level of treatment .between marrying orphans and marrying ordinary women in polygamous marriages

The first one addresses the manner of treating the orphans in marriage. "If you fear that you shall not be able to deal justly with the orphans: Wa'in khiftum 'al-laa tuksitu," as compared to the polygamous treatment that is termed, "Fa-'in khiftum 'al-laa ta-diluu: But if you fear that you shall not be able to deal justly." The words "Ksit" (tuksituu) and "Adil"(tadiluu) are the two varying degrees of treatment. Ksit (tuksituu) is a superior level of justice, equity, and fairness, and it applies to the treatment of .orphaned girls in marriage

Adil (tadiluu) is a typical form of fairness, and it is applied to the treatment of non-orphan wives in polygamous marriages. The manner of treating the orphans in marriage

far exceeds the manner of treating wives in polygamous marriages. The reason for this is that orphaned girls were more vulnerable to exploitation by men because they .did not have a father or family supervising and defending their honor

This is unlike the situation of non-orphan wives of polygamous marriages who had fathers or male relatives monitoring their lives. Therefore, the Qur'an gives warning and advice, that if men cannot treat the orphaned girls in an excellent fashion then .they should refrain from marrying orphans and opt to marry other women

?Fatma: Why do you suppose Islam did not abolish polygamy

Sayyid: Currently, there are some societies that still require and want polygamy. Furthermore, there are societies in which the spiritual intention of polygamy .(providing sanctuary for some women) is ardently accepted and not stigmatized

Some women in such societies are not offended, intimidated, or hesitant on the subject. In some cases, polygamy serves as a solution for certain societies where women desire companionship and protection; hence, to abandon polygamy would be .an injustice to those women

Fatma: Although it may be commonly asked, I believe it is important to explain why .the Prophet had several wives

Sayyid: Before the Prophet had several wives his first marriage was monogamous. .The Prophet was married to his first wife, Khadija, for twenty-five years until she died

My views as to why the Prophet had many wives are three: humanitarian, political, .and those that were considered to be exceptional cases

First, the marital

history of the Prophet reveals that all of the women he married were either divorced or widowed with the exception of one virgin. During that era, there were no social .institutions that provided a safe haven for such women

In most cases, these women needed a husband to shelter and protect them physically, emotionally, and spiritually. The Prophet, as a statesman and humanitarian, was obligated to assist them. In one instance, he married a widow with .six children whose husband died defending Islam

Second, some of the Prophet's marriages had political indications. The institute of some marriages in Arabia had a connotative trademark, a political alliance. When people married outside of their homeland, they became closely affiliated within their spouse's community. Most of the wives who the Prophet married came from various social classes, tribes, and countries; therefore, he was able to defend and propagate .Islam through marital alliance

Third, some women proposed marriage to the Prophet. Once, for example, a woman stood before the Prophet and asked him to marry her. The Prophet did after the .permitted revelation

When a believing woman had offered herself in marriage, if the Prophet wishes to" (marry her, a privilege for you only, not the rest of the believers." (۳۳:۵۰

Chapter ۹: Inheritance

God directs you in regard to your children's inheritance: to the male, a portion equal" (to that of two females." (۴:۱۱

Fatma: In Islam, is the distribution ratio of inheritance only applicable

?to children

Sayyid: The area of inheritance, like most of the subjects we have covered, is once again governed and administered according to the case; therefore, the distribution ratio is not applied to every case of inheritance.

There are many factors that need to be considered before an inheritance may be distributed. In all cases, it depends on who the deceased was, and on who are the nearest living relatives, such as if the deceased left a wife, children, parents, sisters, brothers, or no descendants. After establishing the line of descendants, then the proper portions may be distributed.

Hypothetically, if the parents died and left behind only daughters, then the distribution would be in equal shares among them. In the case where an only child survives a deceased father, and there was no surviving wife or parents of the deceased, then that child, irrespective of gender, inherits everything of the deceased father's estate; no other relative may claim rights to the inheritance. Therefore, the laws of inheritance are not all governed by the fact that males may receive a portion double to that of females.

There are other areas in which a woman's portion is equal to that of a man's. A mother, in most cases, is entitled to the same share of her son's inheritance (one-sixth), as is the father.

Specifically, regarding the verse which you cited(۱), if the children were of both genders and the estate was their parents', then the ratio would apply. The son receives two-thirds and the

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۱- Qur'an ۴:۱۱

.daughter acquires one-third of the inheritance

Fatma: Why is it that, within the immediate family, sons acquire more of their parents' ?inheritance than daughters

Sayyid: The basis of distribution is not a reflection of gender preference but on the fundamental Islamic injunction that men are financial responsible for maintaining the family; therefore, monetary compensation is the main reason as to why the .inheritance ratio was set

Sons are financially responsible for their living mother and dependent siblings; hence, sons, as a means to provide financial sustenance for the family, could use the assets of the deceased father. It is a type of savings account that gives sons the .responsibility of being the distributor and maintainer of the family

Sons, unlike daughters, have the responsibility to maintain and financially support their immediate families. Muslim women, whether they are daughters, sisters, wives, .or mothers, are free from financially supporting themselves and others

What they earn and receive is theirs to keep. They are not obligated to maintain or support anyone. Muslim women are entitled to inherit as a daughter, mother, wife, and sister; consequently, they may, in certain cases, become financially stronger than .men

?Fatma: Could property be transferred to any person during the life of the testator

Sayyid: The testator can transfer ownership of his or her estate during his lifetime to anyone. Meaning, the testator can legally change entitlement of ownership from his name to the name of the other party. Hypothetically, the testator may transfer all of his assets during his

.lifetime and leave nothing for inheritance

?Fatma: Could the testator will one-third of his or her inheritance to any person

Sayyid: In a written will, the testator may allocate one-third of the inheritance to any .person, institute, or organization he or she chooses

Fatma: Parents these days are more ready and willing to distribute their inheritance among their sons and daughters evenly. Would this be considered a transgression of ?Qur'anic doctrine

Sayyid: If parents document a written will (to be executed after their deaths) stating an even distribution of inheritance between their sons and daughters, then it would be a transgression of Qur'anic injunctions. In the several verses regarding distribution :of inheritance, the Qur'an forewarns those who do not adhere to the commandments

(These are settled portions ordained by Allah. (۴:۱۱

(Thus is it ordained by Allah. (۴:۱۲

Those are limits set by Allah; those who obey Allah and His Messenger and transgress His limits will be admitted to a fire, to abide therein: And they shall have a humiliating (punishment. (۴:۱۴

However, parents are permitted, during their lifetime, to legally transfer ownership of their property, assets, or funds to certain children, which may be deliverance to some parents who have flagrantly disobedient children. Suppose parents had an .unrighteous son and a righteous daughter

Presumably, parents would fear that if the disobedient son inherited their estate that he might abuse or dispose of the inheritance unlawfully, as opposed to the daughter who had tended to her

parents, assisted and honored them, and would preserve and maintain their assets rightfully. As an option, parents may legally transfer ownership of some or all of their property to any one of their children during their lifetime, even if that child is their .daughter

Fatma: Some Islamic literature claims that because a woman is exempted from war, it ?entitles her to less inheritance, is this accurate

.Sayyid: That would not be considered a valid justification

Fatma: Are there any other issues regarding Muslim women that would be important ?to elucidate here

Sayyid: The issues regarding Muslim women are endless. However, the most important is that Muslim women should educate themselves concerning their religious rights. Muslim women have the right to be informed of their choices and opportunities .that Islam provides for them. By knowing their rights they can secure their future

Epilogue

After a year of questioning, pondering, and writing, I begin to sit and reflect. It amazes me still, with all the information I have gathered, discussed, explained, and understood, that the rights and disposition of women in Islam is astounding and seemingly limitless. The most poignant right being that I, as a woman, in my creation and relation toward Allah, stand equally to a man, and, in some cases, can be given .more admiration than that of a man

The human make-up of a woman is not inferior to that of a man. We are equal. I do not take lightly to this point; it just confirms the justice of

God. In keeping with the justice of God, Allah never intended for the systematic laws of testifying to be discriminatory or the distribution of inheritance as preferential .treatment for men

Although some people may interpret or perceive these issues to be the case, or as a means to continually undermine and misrepresent the true status of Muslim women; nonetheless, when the laws are detailed, defined, and administered properly, then .the principle theory of the laws are justified

Islam does not grant women unconventional rights; it prompts society to recognize the universal message that women are born with and entitled to receive inalienable humanistic rights and opportunities. Among the three major monotheistic religions, Islam is the only religion that divinely acknowledges women as an integral being in .life

Muslim women have full control to ethically map and pursue their own aspirations, destinations, and lifestyles. Islam, ۱۴۰۰ years ago, constituted advancement for .women long before the women's right movement of the ۱۸۰۰'s in the West

However, the biggest enemy facing women in Islam is ignorance about Islam itself. Muslim women must educate themselves about their religion. They should deeply .meditate, consciously question, and if needed, insist upon their God given rights

Muslim women should be informed of their rights and choices. Even more so, men (husbands, fathers, and sons) should be informed of their rights and obligations toward women (mothers, wives, and daughters). Knowing what our Islamic rights are in relation to each other, and to ourselves, would better enable us to

.meet our expectant obligations and behavior

Some Muslim women, when they marry, are uninformed of their rights. Some Muslim marriages are contracted without women ever knowing what are their rights. Although the husband inherently holds the right of divorce, Muslim women must also .be aware that, as a wife, they have a say in the matter

A Muslim woman, when she marries, can specify in her marriage contract certain matters that are important to her, such as continuing her formal education or working in her field of study, among other things. Islam has given Muslim women the opportunity to accept, change, or decline any conditions, provided the couple mutually .agrees and the conditions do not violate the Qur'an

It is the spirit of humankind to strive for individual freedom of the self, without encroaching on the security of society, and to be undaunted and unhindered by the limitations of others seeking to impose their desires of unwanted control whether he .be a man or a woman. Not a single person wants to be controlled by another

Islam has embarked on new territory, the West. Muslim women in America are becoming more visible. The question that remains is whether Islamic ideology and rulings will be compatible to non-Muslim American women. Muslim scholars must .consider this carefully when making rulings regarding women

Most rulings regarding women should not be sequestered for certain societies or for certain countries. The laws will eventually reach everyone, and they will reflect their images on women

.who practice Islam around the world

I invite non-practicing born Muslim women to rediscover the essence of their Islamic heritage. I encourage women who are in search of the truth, Muslims and non-.Muslims, to question and inquire for themselves about women's rights in Islam

Too often, culture and tradition have disguised Islam with painted blemishes and images of its true intention. Islam, when studied with a rational, impartial mind, .becomes a religion with firm and unequivocal values, both for men and women

Fatma Saleh

Muharram ١٤٢٢

April ٢٠٠١

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Shrh Ibn Aby Al-Hadia

Tarikh Al-Tabari

The Rights of Women in Islam

Wasail Al-Sh'iah

Usul Al-Kafi

Glossary of Arabic Terms

.Adil- Religiously just

.Akhlaq- Morality

.Al-hakim al-shari- An authorized religious judge

.Auser- Difficulty

.Ba'aen- An irrevocable divorce

.Fugaha- Islamic jurists

.Muftadha- A woman known for or repudiated with acts of indecency

.Haqq- Religious right

.Haq al-irwa al-jinsi- Right of wife for physical gratification from her husband

.Haq al-maiyah- Right of spouse for companionship

.Haq al-ta'a- Right of obedience

.Haqq istimta'a- Right of spouse for physical and emotional company

.Hajj- Pilgrimage to Mecca; an obligatory act of worship for Muslims

.Hijab- Mandatory covering of the female body

.Hijra- Immigration

.Hukom- A religious verdict

.Imam- Muslim religious leader

.Iddah- Waiting period for a divorced woman

Khul'a- Grounds for divorce used for the wife who has developed an aversion toward .her husband

.Nifas- Post-partum blood

.Nufaqa (nifiqa)- Right of wife and children for living expenditures

.Nushuuz- One spouse breaching family law

.Mahr- Mahr

Mehr-I-mithel- Comparative or equivalent value of

.mahr

.Mua'malla- Good dealings with people

.Mubah- Permissible

Mubarat- Grounds for divorce used for couples who have developed mutual aversion .toward one another

.Mudaba- Showing affection toward one's spouse

Muharam- A woman's immediate relatives (father, husband, son, brother, uncle, .(nephew, grandfather and son in-law

.Mukalif- A person who is required to practice God's commands

.Mujahedeen- People who strive to accomplish a specific religious goal

.Muthajia- Being in bed with one's spouse

.Reje- A revocable divorce

.Shairiah (shari)- Islamic laws

.Shiqaaqa- Both spouses breaching family law

.Tamkeem- Wife making herself available for her husband

.Tasleem- Surrendering to Allah

.Wakil- Representative of suit; power of attorney

.Wajib- Mandatory

.Wathrebuhun- Described by the Prophet as a light tap

About center

In the name of Allah

هَلْيَسْتَوِيالَّذِينَيَعْلَمُونَوَالَّذِينَلَايَعْلَمُونَ

?Are those who know equal to those who do not know

al-Zumar: ٩

:Introduction

Ghaemiyeh Computer Research Institute of Isfahan, from ٢٠٠٧, under the authority of Ayatollah Haj SayyedHasanFaqihImami (God blesses his soul), by sincere and daily efforts of university and seminary elites and sophisticated groups began its activities .in religious, cultural and scientific fields

:Manifesto

Ghaemiyeh Computer Research Institute of Isfahan in order to facilitate and accelerate the accessibility of researchers to the books and tools of research, in the field of Islamic science, and regarding the multiplicity and dispersion of active centers in this field

and numerous and inaccessible sources by a mere scientific intention and far from any kind of social, political, tribal and personal prejudices and currents, based on performing a project in the shape of (management of produced and published works from all Shia centers) tries to provide a rich and free collection of books and research papers for the experts, and helpful contents and discussions for the educated generation and all classes of people interested in reading, with various formats in the .cyberspace

:Our Goals are

(propagating the culture and teachings of Thaqalayn (Quran and Ahlulbayt p.b.u.t-

encouraging the populace particularly the youth in investigating the religious issues-

replacing useful contents with useless ones in the cellphones, tablets and computers-

providing services for seminary and university researchers-

spreading culture study in the publich-

paving the way for the publications and authors to digitize their works-

:Policies

acting according to the legal licenses-

relationship with similar centers-

avoiding parallel working-

merely presenting scientific contents-

mentioning the sources-

.It's obvious that all the responsibilities are due to the author

:Other activities of the institute

Publication of books, booklets and other editions-

Holding book reading competitions-

Producing virtual, three dimensional exhibitions, panoramas of religious and tourism-places

.Producing animations, computer games and etc-

Launching the website with this address: www.ghaemiyeh.com-

Fabricatingdramatic and speech works-

Launching the system of answering religious, ethical and doctrinal questions-

Designing systems of accounting, media and mobile, automatic and handy systems,-web kiosks

Holding virtual educational courses for the public-

Holding virtual teacher-training courses-

Producing thousands of research software in three languages (Persian, Arabic and-English) which can be performed in computers, tablets and cellphones and available and downloadable with eight international formats: JAVA, ANDROID, EPUB, CHM, PDF, HTML, CHM, GHB on the website

Also producing four markets named "Ghaemiyeh Book Market" with Android, IOS,-WINDOWS PHONE and WINDOWS editions

:Appreciation

We would appreciate the centers, institutes, publications, authors and all honorable .friends who contributed their help and data to us to reach the holy goal we follow

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